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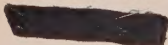
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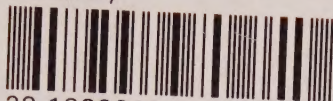
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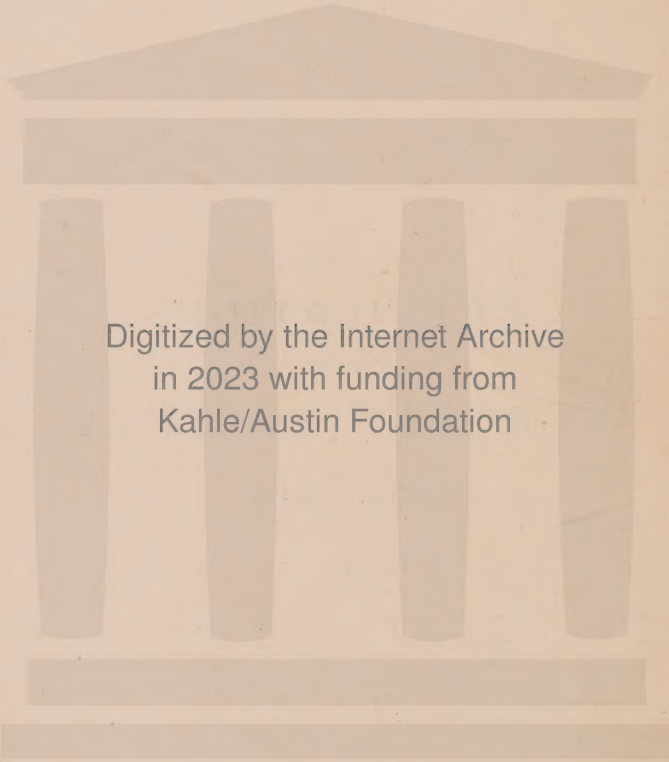








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THE  
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1907.

At the General Meeting of the SURTEES SOCIETY,  
held in Durham Castle, on Tuesday, June 4th, 1907,  
MR. J. C. HODGSON in the chair,

It was resolved,

That the Convocation Records for the Northern  
Province be edited by the VERY REVEREND THE DEAN  
OF DURHAM.

WILLIAM BROWN,

*Secretary,*



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## CORRIGENDA.

Page 334, l. 4, *for* 1207 *read* 1252.

„ „ l. 2 *from bottom, for* MCCVII *read* MCCLII.

„ 342, l. 3 *from bottom, for* Vienna *read* Vienne.

„ 355, l. 6, *for* Longher *read* Lougher.

„ 360, l. 23, *for* Periodetae *read* Periodeutae.





## P R E F A C E .

In earliest times chieftains appealed for counsel to men who claimed spiritual powers ; for they were thought to hold communion with the unseen world. It was natural that men should believe in the higher gifts of those who professed to stand midway between human darkness and heaven's light. Here stood men who, by foresight, had insight into our duties in a perplexing world. These should declare the hidden things of the future. The very vagueness of Delphic oracles gave them their charm ; mankind adored, and yearned after such divine guidance, and rested on the words of wisdom.

At times a ruler would claim the three august titles of " Prophet, Priest, and King." The average chief had no such high ambitions, and was content to go hunting, or, on a more interesting and larger scale, fighting, for himself and his clan. He cared for little beyond the primary needs of life,—sustenance, and self-preservation. Statecraft was nothing to him. All intricate things, spiritual acts, all yearnings of intellect or soul he left to his priests. On them he leant for support ; theirs was the mystery of power ; they, as his sacrificing augurs, would guide him aright. With their birds, inspection of entrails, and awful rites, they could tell him the propitious hour for battle. The chieftain grew in faith as he triumphed, and forgot his failures. The priest, who, perhaps, could read, and even score down rudiments of writing, also often transacted the chief's business in things of peace and war.

In the early English world, before the Norman Conquest, the bishop stands at the king's side, a trusted counsellor and friend. A little later, even under the sternest of Norman kings, the priest is welcome, though

he must not presume too far. When Anselm asked William Rufus to convoke a synod, he was sharply rebuked. To the suggestion that the King should convoke it, his reply was, "Of this I will determine when I see fit ; and that in truth not at your pleasure, but at mine."

As time went on, gratitude for help given, or a fear of impending doom, had led princes to endow their religious advisers with lands, thus making the priestly office permanent in wealth and consideration. Here we have the germs of our English constitution in Church and State. From the stress arising out of want of money, for war or other amusements, princes have ever suffered ; and the lands granted by them to the clergy seemed to be a proper source of income. Aids and subsidies were therefore called for. As the royal demands grew more pressing and frequent, the clergy began to hold back, until a wise ruler came, who saw that his best course lay not through compulsion but through consent. Then began negotiations and agreements, first stages towards a national constitutional life.

Such advances towards the taxation of the clergy had been made in early times ; as in the case of the Saladin tithe (1188), or the ransom of Richard I. After the submission of John to Pope Innocent III, the clergy, on the Pope's request, granted a tenth to the King. In 1225, the year of the confirmation of Magna Carta, Stephen Langton directed that proctors for cathedral, collegiate and conventual churches, should be sent up to his synod for purposes of taxation.\* Ere long the King learnt that, if the secular clergy were to be taxed, they must have a voice in the voting for such taxation. And so, in 1255 we find proctors presenting gravamina in parliament† that they had been burdened by the

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\* Stubbs, *C. H.*, II, 39, 40.    † Stubbs' *Constit. History*, II, 217.

imposition of a tenth without their consent. In 1258, under Archbishop Boniface, Archdeacons were furnished with letters of proxy for their clergy, and apparently acted for them. Clergy are present in successive public meetings.

We should remember that before the days of Edward I both the King's right to summon his Councils, and also the rights of the Archbishops and Bishops of the realm to call together synods of the English Church, provincial synods, and those of separate dioceses, existed together. It will be seen from the documents here printed that at first some confusion arose between the old and the new ; thus, in the trial of the Templars, learned persons and others who certainly were not members of Convocation were called in. This trial is called a *Concilium Provinciale*, a phrase, however, also used of Convocations. Also, in these early days, there was some difficulty as to the summoning of Clergy, whether to Parliament or to Convocation. And, possibly, the summons to the Northerners to sit at Lincoln in 1327 may be an example of this tendency.

It was not, however, till the great "English Justinian" was on the throne that those arrangements were made which are the true beginning of the two Convocations of England. Edward I brought into the matter a large and yet a legal spirit. He saw the value of the goodwill and consent of his people, and discerned that, rightly directed, they might enable him to carry through his difficult task of organization. In his time we find members of the clergy present in his Parliaments of York and of Northampton. Just after this (Jan., 1285), King Edward's forward action appears. By framing his famous "*Praemunientes*" clause (see below, p. xvi), he definitely arranged for, and in fact created, these new

bodies of consulting clergy. Henceforward it came to be understood that Representation, rather than either Delegation or personal presence, carried with it the germ of the permanent principle of our English constitutional liberties. Here was the special source of honour for Edward I: he was the first statesman who saw what great and general advantages would be won by such an appeal to popular and willing assent. Thus it came about that the concession to the people of a right to vote supplies carried with it also the popular power of claiming corresponding rights, and of expressing complaints and gravamina. Edward's legal mind thus brought into being bodies of responsible senators, whose acts, lay or clerical, were in harmony with the needs and wishes of both the country and the prince. The expression of opinions by voice and vote won weight when it was seen that it meant an acquiescence of those who represented the whole countryside. They voted their aid to the King for the protection of their rights and lands, while at the same time they could rightfully bargain with him for fresh and direct advantages in return.

In this manner under Edward I begin the Church Convocations of England. It is difficult to feel sure as to the date at which these bodies became truly and legally corporate; all we can safely say is that it must have been between A.D. 1279 and 1295 that this great advance took place. Indeed, it could not be far wrong if we named 1279 as the birth-date of this recognized system of constitutional life in the Church of England. This Church, compared with all other similar organizations in the world, has a most singular record of constitutional existence. No other nation has ever developed such a popular and representative system of government in Church life, growing up, as it did, side by



side with, and parallel to, the growth of the more general representative life of Parliament. Church and State thus advanced harmoniously in a reasonable system of national growth.

It is true that the thought of representation, and the existence of a system of election of representatives, sent up from all quarters to some centre fixed by the King, was a thing known long before Edward I. We see it in the endeavours made by Henry III, without much definiteness or real success, to create some form of representative assemblies. The separate voting of aids by the clergy, and the necessity of facing the claims of the ancient "trinoda necessitas" (the call for help for military service, for building or repairing bridges, and for the maintenance of fortifications), led directly to the creation of separate ecclesiastical assemblies. The reluctance of clerical corporations, and resistance of religious personages, created difficulties which set Edward I thinking how best to find a path of solution. At first, the Papacy, acting through Legates, had stepped in, and proposed to solve it by boldly claiming the lead, and by laying, on its own authority, a tax on all Church property. It thinly veiled the importance of this claim by the declaration that the Pope was acting for the benefit of the King in thus sending commands for taxation. Thus in 1269, towards the close of the weak King's long reign, Cardinal Ottobuoni, the Papal legate, addressed to the Archbishop of York\* a brief, "De levanda decima regi a papa concessa," a form of words which shows clearly the true intentions of the papal court. Again, in 1272, Gregory X issued a bull ordering the clergy to give a tenth to the King. In this way it was hoped that, on

\* Wilkins, *Concilia*, II, 21.

one side, the taxing authority of the Papacy over the spirituality would be acquiesced in, while, on the other hand, the Bishops would be found glad to influence, even to compel, their beneficed clergy to give aids to the King on the Pope's authority. Here, however, it soon became clear that Rome had overshot the mark. Neither bishops nor clergy looked with favour on such foreign interference; they resented the introduction of a new and independent authority in the matter of raising money for the royal needs. They saw in it an underlying claim on the part of the Pope for a supreme lordship over all ecclesiastical territories in England.

Edward I, of all men, was the least likely to acquiesce in such a claim. He scented at once the evil odour which would arise from such grants. And so we hear that the papal legate was countered at once by the direct intervention of the royal power. The King knew how to enforce his authority. He put, at once, strong pressure on his clergy, and even went so far as to outlaw such bishops as resisted, seizing their possessions into his own hands. As he had given, so would he resume. This practical measure brought repentance; bread and water are persuasive preachers. The bishops and clergy capitulated, and Edward came triumphant out of the struggle. Then, without hesitation, as a wise statesman, he set aside all thought of "resolute government," that snare of weak tyranny, and followed the better way. He would never advance, as many a weak tyrant still tries to advance, by trampling on the existing ill-feeling with a violent heel. His should be the way of peace, a plan whereby the general goodwill and consent of his people should happily be won. In other words, he then brought into action the new principle of Representation.

Edward wrote to the two Archbishops to let them know that he was in great need of an Aid. By this he recognized a right pertaining to their office of Archbishop, namely, that of summoning, on receipt of a royal writ, the Bishops of their provinces to attend in person at the provincial Synods. The term Convocation in the modern sense of it does not appear as yet. At the same time he told the two Archbishops to instruct their Bishops to summon their Archdeacons, and their heads of Chapters and Convents, to appear ; and finally he took a long step in advance ; for he furthermore bade, through the Archbishops, the Bishops to let their Archdeacons know that they must inform their clergy also to send representatives to the coming synod.

Thus sprang into life a body entirely unknown elsewhere : it was a body destined to be a larger form of synod, and also quite distinct from all older consultative bodies ; it was to be an assembly parallel with Parliament, now just coming into full life, and yet itself distinct from Parliament, and no part of one. Yet so late a writer as Sir J. Fitzjames Stephen, in one of his Essays, following Hooker, speaks of Convocation as annexed to Parliament.\*

To a certain extent, as we have seen, representation had been recognized in England before this epoch. Thus, in a national synod held at St. Paul's, London, in 1237, some persons appeared with letters of authorization. We are not told who had issued them ; those who presented them are described as “*litteras procuratorias deferentes.*” Again, in 1252, Archbishop Gray and his suffragans addressed to Henry III a letter which Mr. Raine, in his edition of Gray's Register, speaks of as “*A letter from the heads of the Northern Convocation to Henry III about the joint action of the two Convoca-*

\* Sir J. F. Stephen, *Horæ Sabbaticæ*, I, 164.

tions.”\* This, however, was in truth the earlier form of a provincial synod. It was in the same year that the Archbishop of York, with his suffragans, the Bishops of Durham and Carlisle, declined to make any answer to the King’s request, because it concerned not the Northern province only but also touched the interests of the whole Church. They insisted that there ought to be a joint synod or debate of both provinces.† Again, in 1265, Henry III, during the vacancy of the see of York, issued a brief to the Dean and Chapter of York, summoning to a Parliament at Winchester the representatives of the North. The summons runs thus :—“*Duos de discretioribus concanonice vestris ad dictos diem et locum mittatis, qui plenam habeant potestatem vice vestra ad tractandum nobiscum una cum prae-fatis praelatis et magnatibus, super negotiis, etc.*” This is an interesting parallel to Parliament itself. In 1277, on a mandate from Robert (Kilwardby), Archbishop of Canterbury, proctors of the clergy are definitely summoned to appear in London at a provincial council. It runs thus :—“*Quatenus omnes fratres et coepiscopos seu suffraganeos nostros auctoritate nostra faciatis peremptorie per vestras literas evocari, quatenus nobiscum in Civitate Londoniensi in crastino B. Hilarii in propriis personis convenient, una cum aliquibus personis majoribus de suis capitulis et locorum archidiaconis et procuratoribus totius cleri dioecesium singularium nobiscum . . . tractaturi.*”‡ In 1273 the King seems to have enlarged the bishops’ duties, for he says, “To steady the business with sound advice, we enjoin on our behalf each suffragan bishop of your church to summon and bring with him three or four persons from among the

\* Gray’s *Register*, ed. T. Raine (Surtees Society), pp. xlii and 211.

† Stubbs, *C. H.*, II, 216.

‡ Wilkins, *Concilia*, II, 30.



more important, discrete, and prudent of his church and diocese."\* In a mandate for Canterbury in 1290 we also find the phrase, "duo vel tres procuratores," *i.e.*, two or three from each Diocese.†

And the work done by these representatives of the parochial clergy is significant. As early as 1255 they present *gravamina* in parliament,‡ a germ of rights, enabling them to call on the Crown to remedy complaints and grievances, being set over against the self-denying process of voting taxes to be paid by the spiritual side. Henceforth this combination of duty and privilege is recognized and acted on by the people of England. We may in the twentieth century discover that this right of voting supply, and of settling the manner of raising aids is still valuable as a power by which the liberties of the nation are protected from insidious and unconstitutional attacks. Though, as Bishop Stubbs speaking of this point remarks, "it is not clear that the representative principle was regarded as an integral part of the system of Convocation," § nor was a separate clerical body formed as yet, still it was there in the seed, ready to break out into vigorous life. It was very soon after these tentative measures, which seem to be feeling their way towards a more mature system, that the Crown took the step which we may regard as the real beginning of the life of Convocation. In this important movement the York province kept pace with Canterbury. Formal representation took place in York in 1279, or, perhaps, early in 1280. The synod of Pontefract has a counterpart

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\* Wilkins, *Concilia*, II, 26.

† *Reg. Eccles. Cantuar.*, II, f. 27 b.

‡ The Editor of Archbishop Walter Gray's *Register* (Surtees Society, 1870) does not hesitate to head his notice of the proceedings of 1252 as "a letter from Convocation." This document will be found in the Appendix.

§ Stubbs, *C. H.*, II, 214.

in a like summons for the Canterbury Synod in 1281. In 1279 York had, in connexion with the statute "De Religiosis," voted by the clergy certain subsidies to the Crown, and the King had recognized some representation. It may have come in earlier; this, however, seems to be the first formal official notice of it.

It appears, then, that the first clear and distinct appearance of representation takes place in 1283, when, for the Canterbury province proctors were summoned to a Parliament at Northampton, while the proctors for the York province were summoned to meet at York itself.\* The King had lately been at Rhuddlan, in North Wales, a village between St. Asaph's and the sea. He could not summon his clergy to meet him at so great a distance from home, and so he planned that they should meet respectively at Nottingham and at York. The northern summons sent out at this time is specially interesting, as it shows that the brilliant Antony Bek, at the time Archdeacon of Durham, was already felt to be a power in the north. He was soon to be appointed Bishop of Durham. In this assembly of 1282-3, the Canterbury clergy, when called on to vote an aid, excused themselves on the remarkable plea that the parochial clergy were not represented, the importance of this new form of parliamentary and constitutional representation being thus clearly recognized. And the Archbishop acknowledged the justice of the plea, by issuing a new summons, dated 24th January, 1283, in which he also expressly summoned proctors for the beneficed clergy.†

In itself this double Parliament is constitutionally interesting; but for our purpose the main importance of

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\* Wilkins, *Concilia*, II, 92, 93.

† See the Mandate in Wilkins, *Concilia*, II, 95. The province of York also followed. See Stubbs, *Charters*, p. 453 and 456, 457.

it lies in the rules laid down by Archbishop Peckham. "Each bishop," says he, "shall about the aforesaid day cause the clergy of his diocese to assemble, and shall have carefully explained to them the propositions made on behalf of the King, so that at the same time and place in London, for each diocese, two proctors shall come in the name of the clergy, and from each Cathedral and Collegiate Chapter shall come one proctor." This was made into a Canon. Thus one may say that this clerical body at once and formally became, though the name was not yet in use, the veritable Convocation of the province of Canterbury. The Archbishop of Canterbury's summons runs thus :—"Ita quod ad dictos diem et locum Londiniis de qualibet dioecesi *duo procuratores* nomine cleri et de singulis capitulis ecclesiarum Cathedralium et collegiatarum singuli procuratores sufficienter instructi mittantur, qui plenam et expressam potestatem habeant una nobiscum et confratribus super praemissis tractandi et consentiendi his quae ibidem ad honorem ecclesiae, consolationem domini regis et pacem regni, cleri communitas providebit." It must be always remembered that, as yet, the parliamentary representation of the clergy is quite distinct from the coming representation of Convocation. Both, for a time, go on together. In the Northern Province matters also moved in the same direction about the same time.

In 1279 Archbishop Wickwan summons his clergy, through their Archdeacons, to come together to vote a subsidy. Each Archdeacon should come to Pontefract with two representatives of his clergy, and from the beginning there seems to have been this marked difference between the representative element in the North and that in the South. We find that under Archbishop Giffard in 1271 the system of two proctors from each Archdeaconry

begins. It should be observed that it was not two from each Diocese, as was from the beginning the rule of the Southern Province. In the North it went not by Dioceses but by Archdeaonries. Thus, the Archdeaonry of Richmond and that of the Isle of Man originally returned each one proctor, not two; the clergy of the large and "peculiar" jurisdiction of the Dean and Chapter of York returned two. The peculiars of Howden-shire and Allertonshire each one. All these are now merged in their respective Archdeaonries. This is due to the fact that, at most, the Northern Province consisted of five dioceses only, York, Durham, Carlisle, Whithorn, and Sodor and Man; so that, if it had followed the Southern use of two proctors for each diocese, the maximum number of elected members from the clergy would have been no more than ten.\*

It may be well to pause here, and to take notice of the special and half independent position that the Palatinate diocese claimed for itself. At the time of the Northampton Parliament of 1282, Edward I summoned a third assembly to sit at Durham, composed of "the bishops, abbots, priors, deans, chapters, knights, freemen, and commonalties of the boroughs and vills of the bishopric and county Palatine." Clergy and laity sat together.† There is also, 6th January, 1283, a Writ from Edward to Robert de Insula, Bishop of Durham, bidding him summon a separate assembly "cum abbatibus, prioribus, decanis, capitulis, infra episcopatum Dunelmensem consistentibus,

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\* In the "Modus tenendi Parliamentum," printed by Bishop Stubbs (*Charters*, 492-503) the proctors of the clergy are said to be two from each Archdeaonry, as if it had been originally intended that the same usage, and that the northern usage, should prevail for both north or south. It does not appear that the Southern House ever sent this large elective contingent of representatives.

† Trevor, *The Two Convocations*, 43.

ac militibus, liberis hominibus, communitatibus burgorum et villarum ejusdem, pro subsidio regi concedendo celebrandum." \* This special summons shows how the independence of the Durham Palatinate was always recognized ; it shows, also, that in these early parliaments clerics and lay folk were undivided, and sat together ; and, thirdly, it shows that as yet a proper provincial Convocation had not taken definite form. Even at this early period there is a considerable amount of difficulty, springing from the peculiar position of the Palatine Bishop. This was sorely embittered by the masterful character and ambitions of Antony Bek, greatest of medieval palatine princes. In 1283 he held the independent Parliament mentioned above. It laid its own taxation. Later, in 1287, the Archbishop of York recognizes the right claimed by the Bishop of Durham of making his own independent reply to the King : " quid autem clerus Dunelmensis diocesis vobis pro subsidio concesserit serenitati vestrae exponet personaliter Episcopus Dunelmensis." † Four years later we find strained relations between the Archbishop and Bek. All the rest of the province had appeared at York, on the royal writ and the Archiepiscopal summons based thereon ; but Bek and his clergy neither appeared nor sent messengers nor excuses. " And," says Archbishop John Romain, " we twice summoned this Bishop with his clergy with the rest, that they might join in voting this tenth." ‡ In the next year, the Archbishop having sent his envoys with warnings and commands to Durham, the Bishop being at the time absent, Bek's officers arrested the men and threw them into prison. When the Bishop heard this he much applauded his servants, and refused to release the

\* Rot. Walliae, xi, Edw. I, m. 4 *dorso*.

† Wilkins, *Concilia*, II, 127.

‡ *Ibid.*, II, 174.



Archbishop's messengers. This excess of contempt roused not unnatural anger in the Archbishop, and he launched against Bek a sentence of full excommunication, on the 8th April, 1292.\* History does not trouble itself to tell us when or how the unlucky envoys were set free from the Durham round tower, nor how the Palatine Bishop was reconciled with his Archbishop.

On one occasion we find a kind of apology made by the Archbishop for the non-appearance of this magnificent prelate. He writes, "Antony, our venerable brother, who does not appear, we excuse on this occasion, both because of the reverence due to his patriarchal dignity (for he had been appointed by Pope Clement V Patriarch of Jerusalem in 1305) and also by reason of the well-known frailty of his health." It will be seen that the Archbishop avoids the question as to the rights of the Palatine bishops in the matter.

Though as yet we do not find the word Convocation in use as a substantive, meaning the assembly of the clergy, the germ of it is present in the common form "convocari faciatis," which frequently occurs in writs of summons.† It seems to have reached this meaning at

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\* Registrum Archiep. J. Romani Ebor., f. 104.

† The word Convocatio once only appears in Cicero, in the simple sense of a summoning of the Roman people to defend the state. It is not given by Ducange or by Hoffmann. It is found in use by Cardinal John of Crema, Legate in 1125: "praecipimus ut . . . . nobis occurrat cum Archidiaconis et Abbatibus et Prioribus tuae dioeceseos ad definiendum super negotiis ecclesiasticis et ad informandum seu corrigendum quae informanda seu corrigenda docuerit sententia Convocationis nostrae." Here it simply means a meeting or synod of clergy summoned by royal writ. Archbishop Boniface seems to be the first to use the word in the more modern and technical use; for in 1257, in his mandate, he uses the term as a definite assembly of Clergy: "fecit Bonifacius Cantuarensis Archiepiscopus suorum suffraganeorum sibi subditorum universorum praelatorum pariter et cleri procuratorum Convocationem isto anno apud Londonias" (Trevor, *Two Convocations*, 30), yet in the following year the Archbishop calls it, not a Convocatio, but a Con-

the time of the famous assemblies of clergy in 1204 and 1295 : synods which are called by Bishop Stubbs, in their connexion with the Parliaments of those years, "a model assembly," bearing, he says, "in its constitution evidence of the principle by which the summons was dictated, and serving as a pattern for all future assemblies of the nation."\* He also adds that "the events of the year, although they show unconstitutional violence on the part of the King, and somewhat of panic on the part of the nation, mark the acquisition by the clergy and the counties of the right of representation in their proper assemblies, and an acknowledgement of the need of their consent to taxation ; two steps which were never revoked."†

In this synod of 1295 occurs a remarkable appeal to English patriotism. The French King, who had already seized Gascony, was threatening dire things against this country : Edward I says, "*linguam Anglicanam, si conceptae iniquitatis proposito detestabili potestas correspondeat, quod Deus avortat ! omnino de terra delere proponit.*" How well had the sense of national life thriven in this country, when King Edward appeals so ! It is another evidence of his wise sagacity ; he accepted the victory of the English language over the Norman French.

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gregatio. A little later the word seems firm : in 1297, only two years after "the model assembly," the Archbishop's writ is headed with "*citatio pro Convocatione,*" and this probably is the first use of the word in the modern sense. It is similarly used in the writs of 1314. From this time onwards it is in recognized use as the appellation of the two synods. In the Coventry Mystery there is the following stage-direction, "the counsel-hous befor-sayd shal sodeynlie onclose, schewing the bushopys prestys and jewgys syttyng in here estat lyche as it were a Convocacyon."

\* Stubbs, *C. H.*, II, 140.

† *Ibid.*, II, 138. And the constitutional historian here adds that for York the numbers were ten abbots, nine priors, one dean.

He understood that an impassable gulf lay between the stern days of William the Bastard and the intelligent legal rule of his own sceptre over a free people.

These earliest Convocations are of great interest to us. In the summons for that of 1294 occurs, apparently for the first time, the famous clause, usually styled, from the first word of it, the "Praemunientes" Clause. It is historically valuable, for it defines the composition of Convocation as it has lasted, with small additions and deductions, from that day to this. Though it first appears in a writ of Edward I addressed to the Archbishop of Canterbury, we also find it at length in the royal rescripts addressed to both Convocations. As a "common form," it was used frequently, till the constitutional system laid down in it became fixed by regular application. Then precedent became rule, and the clause was no longer repeated in the royal writs. It runs as follows:—  
 "... Injungentes, quod die dominica proxima post festum S. Martini in hieme proxime futura apud Westmonasterium personaliter intersitis: PRAEMUNIENTES priorem et capitulum ecclesiae vestrae, archidiaconos, totumque clerum vestrae dioeceseos, facientes quod iidem prior et archidiaconi in propriis personis suis, et dictum Capitulum per unum, idemque clerus per duos procuratores idoneos plenam et sufficientem potestatem ab ipsis capitulo et clero habentes, una vobiscum intersint, modis omnibus tunc ibidem et cum caeteris praelatis proceribus et aliis incolis regni nostri, qualiter hujusmodi periculis et excogitatis malitiis obviandum [sit]. Teste rege apud Wengeham 30<sup>o</sup> die Septembris" [1295].

The corresponding mandate of 1296 does not repeat this Praemunientes clause: it contents itself with instructions to the Bishops how to act in summoning the

assembly ; it also, apparently on the sole authority and initiative of the King himself, makes a curious change (which, however, did not make a permanent alteration in the structure of Convocation), by limiting the number of proctors, making them on this occasion only one, not two, from each diocese.

The *Praemunientes* Clause, by so carefully settling the limits and manner of representation, may be said to have created a legal and constitutional Convocation for all time. It was destined to be parallel in use and principle with the young Parliament, though never an integral part of it, nor, on the other hand, in any way subject to it. It is almost misleading to speak, as Bishop Stubbs speaks, of Convocation as "a clerical Parliament," for it had not much in common with the lay assembly, beyond the power of laying taxes or voting aids to the Crown.

In 1311 we find the *Praemunientes* Clause with some modification of the language : "hortamur in Domino ex abundanti *praemunientes* quatenus . . . . praefato concilio personaliter intersitis."\*

At this momentous point of the constitutional life of England, Boniface VIII, that masterful pope, was enlarging his powers in every direction ; and historians have ventured to say that the famous Bull, "*Clericis*

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\* This word *Praemunientes* is sometimes more properly spelt *Praemonentes*. This is not the only case in which medieval Latin has confused "moneri" with "munire." Thus it has become an open question whether the Dean of a Cathedral Church has in his charge the Monuments or the Muniments of his Church. At the outset, this *Praemunientes* Clause was most distasteful to the Clergy. For neither clerics or laymen wanted to be summoned to appear before the King ; all knew that such a summons always meant an ill-concealed demand for money. In 1296 the clergy began by refusing a subsidy, because they were convoked "*ad mandatum regis, non auctoritate ecclesiastica.*"

laicos," issued on the 24th February, 1296, was the challenge and cause of the creation in England of this unique institution of Convocation. Convocation was, in fact, in existence before the Bull was issued. All that it is safe to say is that this arrogant assertion of clerical and papal claims acted as a wholesome tonic for England, and really helped the English clergy to secure a more secure establishment of their rights, especially, *Anglico more*, in matters of property and taxation. For the Bull, by declaring that it is forbidden that "tallies or tolls, or exactions of any kind, should be squeezed by secular princes out of their clergy; and that it was improper for taxes to be laid on clerical incomes," threw down a challenge which Edward was sure to take up. In 1297 he let the world know that this papal claim should be countered by direct action; for his reply took the form of sharp measures springing out of the levy of a subsidy. He did not hesitate to seize the lands of the Archbishop of Canterbury, and, as chief lord over England, himself levied from them the amount he wanted.

Thus, under Edward's fostering care, two important forms of new constitutional life, Parliament and Convocation, came into being side by side. Edward saw that, to carry on his government, the holders of lay and ecclesiastical properties must alike be asked for their consent to taxation. He recognized that this carried with it, as an understood bargain, guarantees of liberty and justice, and of power of approach, and also of petition, and expression of gravamina. So in 1298 the King, being in sore need of help, "in order to catch the good will of the clergy" promised to them that he would confirm both the Great Charter and the Forest Charter. Yet even so the York Convocation held back, and refused an aid. A letter from the Archbishop of York, addressed to the



Bishop of Ely, dated Uskelf, 26th August, 1298, shows that, if the clergy could be assured that the Charters would honestly be kept, they would not hesitate to concede an aid.\*

From the end of the thirteenth century to our own day the character of Convocation, as a constitutional representative of the English clergy, has never changed, though, in fact, it came to be reduced to a very thin ghost in the eighteenth century. The clergy were always convened by their proctors as owners of property. They met not so much for the spiritual welfare of the Church as for the general good and protection of the nation. At the outset, the clergy attached themselves rather to the patriot and national side than to the party of foreign rule and influence. From the beginning it was a kind of protest against the Legatine authority exercised for the Papacy. Though at first the orderly mind of Edward I leaned towards making the clergy a third estate of the realm, the estate of the earls and barons being the first, and the estate of the burgage tenants, of the men paying "knights' service," and other socage tenants who were represented by proctors, being the second estate; still he found in practice that his scheme was quite hopelessly complicated by the double position of the bishops and abbots. This, and the dislike of the clergy to taxation, made him abandon his scheme of estates, while he still held to the constitution he had made for his clergy. Thus he fell back on his two estates of Parliament, and made Convocation into a distinct body, an echo and pale copy of parliamentary independence.

Thus it came about that the English Convocation differed from all other synods of clergy in the world.

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\* Wilkins, *Concilia*, II, 235.

Abroad, these bodies were composed of bishops only, their clergy, if present, being regarded as their mere assessors. In England the clergy had both property and power. In the end they adapted themselves to a simple and convenient system of Representation. And, as there were two Archbishops in England, with two distinct jurisdictions, it was only natural that, regard had to real, often acute, jealousies, these English assemblies took a double form. They shaped themselves, therefore, into a Northern and a Southern Convocation or Synod. One discerns the like tendency in the early growth of the English universities.

Convocation was not firmly built up at once. There was a marked vagueness as to the sitting of clergy in Parliament or Convocation. The *Praemunientes* Clause was also used in the summons of the clergy to Parliament down to 1311. And the natural reluctance of the clergy to appear in either assembly is plain.\* They sometimes refused altogether to send their representatives to Parliament. Thus, the Prior and Convent of Canterbury voiced their protest, by objecting "in that they were summoned to a secular court, *i.e.*, to the Parliament of our Lord the King, begun and ended in the royal chamber."†

Consequently, after a while, clergy were no more summoned to Parliament at all, and the double usage ended. The bishops and abbots still sat in Parliament, as "lords of great lands." The other clergy, although also often "lords of great lands," and so taxable, settled down contentedly in their two Convocations. These two

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\* Stubbs, *C. H.*, III, 345.

† "in eo quod ad curiam saecularem, puta domini regis parliamentum, quod in camera regis fuit inchoatum et per aliquot dies continuatum."

bodies have undergone, save by the removal of the monastic members, and by the addition of a few bishops, "no change of organization from the reign of Edward I down to the present days."\* Bishop Stubbs also bids us take notice that "every step in the development of the two—the spiritual and the temporal—has a bearing on the growth of the idea of representation."†

The two Convocations, naturally enough, were shaped by the different conditions of the two Provinces. At the opening of the fourteenth century that of York differed vastly from what it now is. It contained more, for it included both Galloway in Scotland and Nottinghamshire; while it also contained less, for the Bishop of the Islands, now styled "Sodor and Man," was ecclesiastically subject to the jurisdiction of the foreign Archbishop of Nidaros or Trondhjem, as we now call it, in Norway.‡ What in the sixteenth century became the diocese of

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\* Stubbs, *C. H.*, III, 344.

† *Ibid.*, II, 219.

‡ The Norse Sudreyjar, or Suder-øerne (*i.e.*, the Southern Islands), in 1154 were created a suffragan diocese, under the Archbishopric of Nidaros. Of these islands Man was but one. In 1266 the ecclesiastical rights of this primate of Norway were reserved for the Hebrides, the Southern Islands, and Man. After the battle of Halidon Hill (1333) Man was attached to England, while the islands remained still under the Norse Archbishopric till 1458. The last Bishop of Sodor who went to Norway on appointment for consecration was Marcus, who lived near the end of the thirteenth century. He was present at the Coronation of King Eric in 1280. It is more than possible that the appointment by the Crown of Bishop Antony Bek to the high title of "King of Man" was due to the hope of Edward that he so might draw away the allegiance of the Island from Norway to England. In 1348 the new Bishop of the Islands went not to Trondhjem, but to Avignon for consecration, though Clement VI declared that this action should not be reckoned as an infringement of the rights of the Archbishop of Nidaros. In 1458 a Bull of Pope Calixtus III placed the Isle of Man under York. The see of Man was finally attached to York by 33 Henry VIII, c. 31 (1542). The grant of the Kingship and lordship of Man to the Earl of Derby in 1609 recites the title thus:—"The Bishopric of the said Isle of Man, and the patronage of the Bishop of Sodor and Man."

Chester was absent, because in earlier days it was a part of the bishopric of Lichfield and Coventry, and it was not till 1541 that John Bird, Bishop of Bangor, was translated from that see to Chester, which thenceforward became an independent see and an integral part of the Northern Province. The Palatinate of Durham also more or less claimed independence.

These, then, were the limits of the Northern Province : to the north it included the Scottish diocese of " Casa Candida," *i.e.*, Whithorn, in Galloway. The Bishop of Whithorn (Thomas Dalton) was summoned to Convocation, and appeared there in 1310. From Whithorn the province came down into Strath Clyde, so including the bishopric of Carlisle. To the south, as we have said, Chester is to be left outside. It stretched along the south border of Yorkshire, and included the whole county of Notts. The Archdeacon of Nottingham was summoned usually, as the phrase ran, as being " ultra Trentham." The huge diocese of York, which stretched from Workington, in Cumberland, to the Trent, was the main part of this province ; and on the north-east side, in spite of wearisome protests, lay the Durham Palatinate.\* Finally, the Bishop of Man (or of Sodor, as it is sometimes called) is summoned, at any rate after 1548, in defiance of the spiritual claims of the Norwegian Archbishop.

Hence it is very clear that, in the Northern Province, the episcopate was a very small body, even granting that the Bishop of Durham condescended to appear. Indeed, in 1342, we read that the King sent writs only to York, Durham, and Carlisle. These three bishops did not sit as an Upper House ; they all sat together, the Bishops

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\* There exists an early reply from the Durham clergy which claims their right to be separate, and to make their own independent grant of aids.

reserving, and sometimes exercising, their rights of retiring, discussing, voting, independently. "Anciently," says Burns, "the lower clergy sate in the same House with the Bishops; and in the province of York the Bishops and the other clergy do so still."\* Though they usually so sat, they recognized always the distinction between the two Houses. When, in 1661, the Northern Bishops were sitting with the Southern Upper House in London, we find a proxy in these terms, "from the Prolocutor of the Lower House of the Convocation of York," and the phrase, "clerus inferioris domus ejusdem provinciae Ebor.," shows that there were then two distinct Houses. In very early days, before the complete solidification into a Convocation, the two often consulted and voted independently, each body having its own referendary, or Prolocutor, who should act as spokesman in the General Synod, or Provincial Council.†

The manner of summoning Convocation answers in the main to the way of issuing writs for Parliament. The King addressed the Writ to the Archbishop of the province (or, in his absence or time of vacancy, to the "custodes spiritualitatis," the Dean and Chapter of York). On receipt of this Writ, the Archbishop despatched his Writ to each of his suffragans, reciting the King's letter, and requesting them to see to it that all was done rightly in their respective dioceses. The Bishops then sent summonses to their Archdeacons, instructing them to give notice to their clergy for the election of two of themselves as proctors. Finally, each personage or body returned a proper Certificatorium to their superiors. In one remarkable case, in 1396-7, the official of the Bishop of

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\* Burns, *Eccles. Law*, published in 1771, I, 405. Lathbury, 123.

† Trevor, *Two Convocations*, 125, 126.



Durham wrote, not to the Archdeacon, but to the Dean of Christianity, bidding him summon the clergy to elect their proctors in St. Nicholas' Church in Durham.

The usages, rights, and duties of a Convocation can easily be traced, as carried out by this regular system of delegation. In the "*Modus tenendi Parliamentum*," also, a document which Bishop Stubbs calls "a fairly credible account of the state of Parliaments under Edward II," there is an exact account of the way of summoning. "The King was also wont to issue his summons to Archbishops, Bishops, and Abbots, to Priors, Deans, and other ecclesiastical personages having separate jurisdictions through exemptions and privileges of the kind, that, by each deanery and archdeaconry of England, they should cause to be elected two learned and proper proctors, each from their own Archdeaconry, to come and take part in the Parliament, and that these should undertake, allege, and do, whatsoever all and each of such deaneries and archdeaconries could wish to have done had they all been present personally. These proctors should come with their warrants in duplicate sealed with the seal of their superiors."\* In addition to this interesting instruction, we also find that "*illis (i.e., the members so summoned) tenetur Rex ministrare sumptus et expensas suas de veniendo et morando ad Parliamentum*." This passage of course refers to a Parliamentary summons, for clergy and laity alike; it applies just as well to Convocation.

How proctors were elected to Convocation is not stated; in all probability by an open vote taken in the main town of the Archdeaconry. The example of 1396 confirms this, for St. Nicholas' Church was the chief city

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\* Stubbs, *Charters*, 493.

church of Durham. Like the present use in Norway, the electors would meet in the parish church. It is probable, though not certain, that these proctors were qualified, at the outset, to sit in both Parliament and Convocation. After 1340, however, no summons to Parliament was sent to the clergy. In 1321 they were still called up for Parliament, "so that their absence might not be alleged as invalidating the Acts," chiefly, if not entirely, in the matter of subsidies.\* About this time, as Trevor states, "Convocation was recognized as the proper legislature of the church 'in mere spiritualibus,' being regarded as a part of the body politic of the realm. The two Houses passed their petitions, and presented them to the King in Parliament, by whose assent they became law."† Thus, in 18 Edward III (1345), the Commons prayed "that no petition made by the clergy, which is in decrease or damage of the Great Men, or of the Commons, be granted, till it be tried by the King and all his Council, that they may well hold it without damage of the Lord and of the Commons." The Commons even urged that neither side, neither Commons nor Convocation, could be compelled to obey any statutes or ordinances, unless with common consent of both bodies. A little later (21 Richard II) "the Commons showed to the King how that before these times many judgements and ordinances made in parliament have been repealed and disannulled, because the state of the clergy were not present in parliament at the making of such judgements and ordinances." After this, the two Convocations made Thomas Percy, knight, their proxy in Parliament, so securing their rights of being present and taking part in parliamentary business. In all these

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\* Stubbs, *C. H.*, II, 378.

† Trevor, *Two Convocations*, 57.

transitional movements Convocation never lost hold of her special right of laying her own votes of subsidy. In the Parliament Rolls of Henry VI we find a significant statement as to the three estates of the realm: "Tres status regni, viz. Praelatos et clerum, Nobiles et Magnates, necnon et communitates dicti Regni." All these should be summoned to meet at Westminster.\*

Before the end of Edward III's reign the attempt to induce clergy to attend Parliament, as well as or instead of meeting in their own Convocations, was finally abandoned. None after this are found sitting in both places, except the Bishops who sat, and do so still, as Barons, for their own estates. The Bishop of Durham, till lately, sat as Earl of Sadberge.†

Documents sometimes show that if a poor man was elected proctor he could obtain his expenses either out of the aids voted, or from a levy made on the Archdeaconry that had chosen him. Richer men paid their own costs. Such payment in those days created no difficulty from jealousy or social pride.‡

It sometimes looks as if the Crown, or the Archbishop, desired to strengthen Convocation by introducing a learned element into it. Thus a document issued by Archbishop Bowett in 1408 contains an instruction that

\* Trevor, *Two Convocations*, 59.

† The ancient franchise of Sadberge came to the Bishopric of Durham in Pudsey's time, by purchase from Richard I. Hatfield's Survey says "Antiquitus comitatus fuit Sadberg, et fuerunt vicecomites et coronatores ibidem." Lambarde in his Dictionary: "Sadberge was at this time (Pudsey's), and long after, called a Countye, conteining, as I think, the greatest portion of that which we now call the bishopricke of Durham" (Hutchinson's *Durham*, III, 174). Lapsley (*Palatinate*, 162, n. 5) says that Pudsey "was outrageously swindled in the transaction."

‡ For the payment of Members of Parliament, etc., see Stubbs, *C. H.*, III, 523.

persons of learning should be summoned to appear and take part: "*ipsisque magnae literaturae viri providi et maturi quicumque personaliter appareant.*" Similarly, besides the proctors, many officials had a right to sit. In early days precentors are named, Treasurers, Chancellors, etc., of Cathedrals, and with them the "Prelates" of important churches. In summoning all these in 1408, the Archbishop adds an interesting proviso: "*praelatis quoque ecclesiarum exemptarum non mendicantibus \* . . . cujuscumque fuerint Ordinis.*" In the Northern Province the custodians of the peculiar jurisdictions of Howdenshire and Allertonshire were summoned as Ordinaries; the officials of Archdeacons also came. On some important occasions the Chancellors of Oxford and Cambridge were admitted to the Southern Convocation. They never appeared at York, though it is interesting to note that University College in Oxford had the power of sending one proctor to York, as representing the Church and Manor of Arncliffe in Craven, which belonged to them. The Prior of Durham College had also rights, as we see from a Bull of Boniface IX, of appearing in Convocation, or of sending thither his proxy; and he seems to have had this right, not from the College, but from the livings which had been handed over to the College for its support. There was also a certain number of those puzzling people, the "Decani." The Bishops, in summoning these, named them sometimes before, sometimes after, the Archdeacons. We find in one passage of the year 1380 an unusual phrase about the persons qualified to appear in Convocation, who were summoned as clergy "*tam promoti quam non promoti,*"† together

\* This indicates the jealousy with which the Friars were regarded in the fifteenth century.

† Wilkins, *Concilia*, III, 150.

with *advocati*, *procuratores*, *notarii*que *publici non conjugati* (*i.e.*, unmarried notaries). It seems as if, at that time, others beside the beneficed clergy had a voice in the elections, or actually a right to appear personally. In Bishop Hatfield's summons the whole clergy are bidden to appear, presumably to choose proctors, though nothing is said about the last. The instructions of Archbishop Bowett in 1408 seem to indicate that the limits of Convocation were but faintly drawn in his day. Persons holding learned degrees, at least Doctors, might appear without election. If this is right, it parallels the summons for Convocation for the trial of the Templars in 1310, when, among other men of learning, the philosopher Ockham received and acknowledged a writ of summons.

All told, the numbers of the Northern Convocation must have been small. From three to five bishops; a considerable company of *ex-officio* members; and the proctors for the Archdeaconries. Considering the difficulties of travel, the Palatine reluctance of Durham, and accidents of many kinds, the numbers could never have been very large.

The authority of the Archbishop in Convocation may be thus given:—He had (1) the right to summon Convocation on the Royal Writ. Though there appear to have been times when he issued the summons on his own authority, it was usually a formal affair, reciting the King's Writ. After the days of Henry VIII no such liberty was possible; all had to come from the royal command. (2) The Archbishop had the power of continuing or proroguing sittings of Convocation; a power, however, limited by the "*consensus fratrum episcoporum*." (3) He had also the right of addressing Convocation formally at the opening of a session, an



allocation which answers to the King's speech in Parliament. In this he can explain business to be undertaken, and refer to deaths and important incidents. (4) He has a veto on all Acts of Convocation: "No resolution," Trevor says, "even of both Houses, can take effect without his concurrence." (5) In the early days he had also the right of drawing up Constitutions, which, before being promulgated, were laid before Convocation, and gained more authority by their approval. Finally, (6) he could dissolve Convocation, as we see in the Mandate of 1384.\*

As a rule, Convocation was summoned to meet at the same time with Parliament, though the older documents show no close connexion between the two bodies. On the other hand, it has been stated that Convocation could not be summoned, adjourned, or dissolved, save by the corresponding action in Parliament. This was usually true. Still, there are several instances of occasions in which Convocation did not run even with Parliament. Thus, in 1297, Convocation sat on the 26th March, Edward being then in Scotland. The King did not hold his Parliament till he had reached Berwick-on-Tweed, at the end of the summer; and then, later still, he convoked it for Bury St. Edmund's on the 3rd November. In 1316 a royal writ called the churchmen to meet "post quindenam Paschatis," while Parliament was summoned to

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\* In this year Courtenay, Archbishop of Canterbury, addressed a letter to the Bishops of London and Winchester to the following effect: that a Convocation having replied to a request for a subsidy by saying that "propter sufficientes et ratiocinabiles causas non possunt hac vice domino nostro regi de aliquo subvenire subsidio," he, feeling that Convocation had as a prime duty to vote money to the King, and being also unwilling that his clergy should any longer be burdened with serving and delay, gives orders "quatenus Convocationem eandem eadem auctoritate praedicta dissolvatis omnino, et clerum praedictum ab omni exactione liberum penitus dimittatis" (Wilkins, *Concilia*, III, 187). A similar power, no doubt, resided also in the Archbishop of York.

meet "in quindena S. Hilarii." In 1328 Convocation met on Friday after Purification Day; Parliament met at Winchester in the first week of Lent. In 1342 Convocation met on 10th October; it does not appear that Parliament sat at all, as seems also to have been the case in 1439. At the close of Henry IV's reign (1413) Convocation sat for two months after the King's death, so eager they were to crush Oldcastell and the Lollards. Again, in April, 1417, Convocation sat at York "sine brevi regio," being summoned by the Archbishop to "strengthen the Union and advance the Reformation of the Church universal." Similarly, in 1423 and 1466, there were variations: on the latter day an important Concilium Provinciale was held on a Royal Writ.\* Still, in spite of all such exceptions, the rule was, and still is, that Convocation meets only in obedience to the Royal Writ. It is clear that the adherence to Parliamentary dates was slight. So long as it sat and voted Aids, the Crown was content. It was not till Henry VIII pulled things up that the Crown issued a statute to regulate Convocation. He forbade the clergy to meet without his definite assent.†

But when, later on, a question arose as to the legality of Convocation sitting and acting after Parliament had been dissolved, Charles I, in 1640, replied to this question by saying that "Convocation being summoned by the King's Writ under the Great Seal doth continue until it be dissolved by Writ or Commission under the Great Seal"; and so he ruled that it was actually bound "to sit as long as the King shall think fit to require them to

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\* Langley's *Register*, ff. 283 and 81.

† Blackstone's *Commentaries*, I, 275, published in 1765, do but re-echo Henry VIII's masterful words: "The clergie of the realme of England have knowledged . . . that the Convocation of the same clergie is always, hath been, and ought to be, assembled only by the King's Writ."

do so." Dr. Warner says that "the Parliament and Convocation are separate bodies, independent of one another, and called together by different Writs; and therefore the dissolution of Parliament doth not necessarily or in any respect dissolve the Convocation; so that they may continue to sit longer than the Parliament, if the King pleases.\*

Sometimes, not often, the two Convocations sat and voted together. Thus, in 1294, Edward I summoned "the whole clergy of the realm, not in provinces, as heretofore, but in one assembly, which should sit at Westminster."† And on the 28th of February, 1390,‡ a joint session took place in King Richard's chamber at Westminster, "where Parliament is wont to be held, and was at that time sitting." To this came both Archbishops, they and their suffragans, in the presence of William of Wykeham, Chancellor of England, of Walter Skirlaw of Durham, and others, being lords temporal and spiritual, in numbers, to consult on the Lollard movement, and to protest in strong language against any statute being passed by Parliament against the authority of the Pope, or against the ecclesiastical liberties. We also know that the two Convocations might combine to meet and discuss hard matters,‡ or might communicate by letter, or by

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\* We have seen that Courtenay (1384) ordered a dissolution of Convocation because it had refused a subsidy; on the other hand, when York was void, by promotion of Archbishop Kemp to Canterbury, William Booth, his successor, nominated but not installed, issued a commission to Robert Neville, Bishop of Durham, to preside over Convocation. This did not carry with it the power of dissolution. The prelates, by reason of their notorious poverty, desired a dissolution, to avoid a subsidy; Langley, however, told them he had no authority to dissolve, he could only adjourn or prorogue. This was in 1426.

† Stubbs, *Charters*, 470.

‡ Lathbury, *History of Convocation*, 120.

commissioners sent from York to the Southern Houses. In the upshot, as was said, "York would ever dance to the fife of Canterbury."

From time to time it would seem as if, under compulsion of danger, the two Convocations might be summoned to act as local synods, or each diocese might be bidden to meet in Diocesan Synod. On the 21st February, 1341, Edward III addressed a Writ to Wulstan (Bransford), Bishop of Worcester, telling him to "summon a diocesan convocation," in order to prepare his people for the danger of a French invasion, which was impending for the coming spring. "We bid you make to be convoked (*convocari faciatis*, the ancient form) the clergy of your diocese, that is, both your religious, and the other persons living under rule, and all other ecclesiastics whom you may think well to convene; and when they are assembled, ask them for a competent subsidy of men at arms, with other men armed, such as bowmen and the like, with their furniture of war, and all other costs to be defrayed by the clergy: they are also bidden to array their own domestics with suitable weapons, according to the condition of each of them."\* This diocesan Convocation was to meet in Wynchecombe Church in the Cotswolds. This looks like a specimen of a local class of bodies of a quasi-constitutional form, called into life by the stress of a common danger to the State.

It was not till 1347 that the definite and present Constitution of the Northern Convocation was drawn up, and confirmed, somewhat later, by Archbishop John Thoresby.

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\* Wilkins, *Concilia*, II, 654, 655.

The business transacted by the Convocations was limited from the beginning, the most prominent side of it being their power of voting aids and subsidies.\* This gave life to these synods, so that when, in the seventeenth century, Convocation lost this power over money, it never showed any further vigour,† met but rarely, and only formally, and was as good as dead. It had completely ceased to be a power in the State. In the records of the York Convocation we see that for many years no real business was transacted; the sessions were very thinly attended; the threat of excommunication raised nothing but a laugh.

Yet there was a possibility of more valuable work. In the opening days, we read that, when summoned to vote an aid, Convocation, before voting it, drew up a list of Gravamina. These are still called for in Convocation, and sometimes discussed at the opening of the business of the session. These early Gravamina are interesting: that the English Church in former days has been aggrieved (1) by a 40th, 30th, 20th, 15th, even a 10th, paid to the King by the clergy, even when there was no war; (2) they have also suffered damage by the ravages made on them by the enemy; (3) they have also been badly aggrieved by the burden of our Lord the Legate of the Pope lately in England; (4) and intolerably oppressed by a three years' tenth to the King, "tam in capite quam in membris"; (5) because their manors and other temporal possessions have been taxed by the laity in defiance of Canon Law; and (6) by the grievance that

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\* In 1291 an ecclesiastical tenth was taken as being equal to £20,000; in Henry VII's day (1497) it had fallen to just the half of that sum.

† "The old contentions, once so sharp, on the relations between Convocation and Parliament ceased to be urgent, when Convocation no longer voted supplies."—See Stubbs, *C. H.*, III, 346.



their churches have been rated by the "Bishop of Norwich's taxation," at ten marks, with, in addition, a tenth to the King for a Crusade.\*

In addition to Aids and Gravamina, Convocation was also called on to protect orthodoxy, and to eradicate heresy. In the beginning of the records of the body we find the Trial of the Templars; later on there is a curious trial of one Thomas Richmond, a man touched, no doubt, with Lollardry. With less vehemence than Canterbury, York was strongly hostile towards the followers of Wickliffe. Convocation could also take action on petitions, which were a kind of Gravamina from the outside. Thus, for example, they received and acted on a complaint addressed to them by graduates of Oxford and Cambridge, who contended that, as men of letters, and graduates, they had a neglected claim for preferment, too much forgotten in the giving of benefices.†

From early days they held the power of making Canons, which the Bishops should promulgate. These appear from the days of Edward I. Thus they took active part in the discipline and organization of the Church, and betrayed to posterity some of her weak points. In moral matters they retained certain rights of judgement. We find early an order from them that the Constitutions of Cardinal Otto,‡ with those of his successor as Legate, Ottobuoni,§ should be considered and put in

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\* Wilkins, *Concilia*, II, 19. This "taxatio Norwycensis" seems always to have been a real grievance.

† "Pro graduatis in iisdem ad beneficia promovendis," a complaint laid in 1422.

‡ Otto (Otho) was Legate in England; Cardinal of St. Nicholas in Carcere Tulliano.

§ Ottobuoni was also Legate, and Cardinal of St. Adrian. He had the curious career of being elected Pope, as Adrian V, in 1276, and held this supreme position only 36 days, when he died. These Constitutions are printed in full in Wilkins' *Concilia*.

force. This was done by the Southern Convocation in 1281. And, as Bishop Stubbs tells us, the resolution to grant supplies in Convocation secured for these bodies a certainty of meeting, and also involved, within limits, a power of legislating for themselves. They had also been called on to help in the effort for closing up the Great Schism, in the fifteenth century; and for considering the matter of the translation of Scripture into the common English tongue. Later on, we find the summons of Henry VIII ordering them to pronounce formally on the Divorce question. Still later, they are active over the matters that separated Romanists from Protestants, Churchmen from Nonconformists, and on the eighteenth-century Deists.

Of all the affairs which came before Convocation the most remarkable was the trial of the Templars in 1310. In that year a kind of special court was constructed out of the materials of Convocation, then scarcely settled in form. It was a Convocation enlarged and fortified by the introduction of men of learning and capacity, Doctors in Theology and Law, with other graduates. For the time the representative quality of Convocation suffers. There were still Proctors of Chapters and Convents, but no sign of any from the country clergy. This special body was summoned to meet two foreign personages, the Papal Legates, the Abbot of Lagny in France, and Sicard de Vaur, Canon of Narbonne. Among the doctors cited was one man of great name, the nominalist philosopher William of Ockham, at the time Rector of Langton in Yorkshire, and also prebendary of Bedford Major in Lincoln Cathedral. He had been made B.D. of Oxford first, and, later, S.T.P. of Paris; for in those days the comity of letters was more real than it is now. In his reply to the citation, he says he will come if he can;

his duties as residentiary at Lincoln may hinder it. Possibly he was not anxious to take part in these disagreeable matters.

The fall of the Templars was due to Philip the Fair of France. A Pope of French interests (though as Archbishop of Bordeaux he had been, nominally, at least under English rule) was now completely under Philip's hand. He did not dare, perhaps did not care, with that frequent jealousy against the active orders, to protect his proud and magnificent champions, the Knights of the Temple. Their haughtiness, and the scandalous gossip about their excesses and corruptness, their believed taint of Mohammedanism ; above all, their huge wealth and overwhelming power, marked them out for the suspicion and hostility of a strong autocrat. And so, in 1307, Philip, having made sure of his Avignon Pope, opened the attack. They should be suppressed, not only in France, but in all Christendom. The chief churchmen under him were jealous of the Order, and would make no difficulty. Then he sent a message to his son-in-law, Edward II of England, asking him to act with him. Edward hesitated at first, and seemed inclined to defend the Order, whereupon Philip bade his obedient Pontiff to issue, at the close of 1307, a Bull, addressed to the English King, commanding him to arrest all Templars in his dominions, and to sequester their wealth, saying that he did this because "individual brethren of the Order, in making their profession, had expressly denied the Lord Jesus Christ." Edward, on receiving this command, could hesitate no longer, and orders were issued at once for the arrest of them ; and, apparently, they surrendered without a struggle. And just as the French clergy had been submissive to Philip, so Edward believed that he would best carry out the Papal injunction by summoning

the two Convocations to sit in judgement on the Templars. Consequently, in 1309, the Southern Convocation took action, heard witnesses, and showed themselves ready to condemn. The Northern House soon followed. There exists a letter from Philip le Bel to Archbishop Grenefeld urging this course. The trial at York began on the 20th May, 1310. On this commission sat Convocation itself, and all the doctors summoned. The Archbishop (Grenefeld) calls this meeting a "*provinciale concilium*," a term which, in early days, was often used as equivalent to a Convocation.

On the first day of the Session the Archbishop laid before the House the King's request for a subsidy towards his Scottish war, "for which purpose the clergy of the province had been convoked." Thus it appears clear that this Court, though considerably enlarged, was at once treated as a proper Convocation, for here it was called on to transact the one form of business proper to Convocation, the voting an aid.

The York trial followed the Canterbury lines. The Court sat on 20th May, 1310, and, after preliminaries, was adjourned for a year, to May, 1311, when they sat for eleven days. On the first day they met in the Minster in full canonicals, the Bishops and mitred Abbots (St. Mary in York, and Selby) wearing mitres; and with them came a "copious multitude of divers ecclesiastics." This session began augustly with the Mass of the Holy Spirit, followed by a sermon from Archbishop Grenefeld; then came the certification of the members. Three Bulls of Clement V followed next, all on the same subject, and when they had heard these, the Archbishop informed them that they would shortly be asked to select re-

representatives to appear at the coming General Council on this business of the Templars. He then adjourned the Court. On the second day the Templars of the city and diocese of York were summoned and appeared. The charges against them were read and explained "in lingua materna." Some of the attestations against the prisoners were then read, and copies given to every member of the Order present. Some documents bearing on the trial were also put in. The public and the Templars withdrew, and the Court appointed a committee of certain Doctors of Theology and of Law to draw up an opinion on certain doubtful points, to be reported at the next session. On the third day, the Thursday, the Templars were allowed to show documents in their favour. They produced a petition in French, and two Bulls, one of Innocent IV, the other of Anastasius III. The Archbishop then examined them as to the truth of their statements, and ordered them and the public to withdraw. In consultation afterwards it was agreed that further interrogations should be made. The next day the Court was adjourned to 1st July, to meet in the Conventual Church of Blythe. On second thoughts it was deemed wiser not to change the place of meeting, so they continued to sit in York Minster. On the fifth day they heard another sermon from the Archbishop, from Acts iv, 32. After this the day was worn out with "a perpetual altercation" as to the conduct and motives of the Templars. On the next day the Archbishop laid all these questions before the Committee. On the seventh day the report of the Committee was read, and, as differences of opinion and doubts arose thereon, the Archbishop deputed doctors and others to make reference to the Pope. On the eighth day the accused appeared before Robert of Pickering, the Archbishop's Commissary. On the ninth, nothing was



done. On the tenth, twenty-four Templars appeared, headed by William of Grafton, who prayed that "privilege of Church should be granted them"; they hoped for "benefit of clergy." The Templars next took oath that they would detest and abjure all heresy, and specially such things as were named in the papal Bull. They promised to be faithful and orthodox. Then the Archbishop shrived them, one and all, and restored them to their estate in the Church, with use and partaking of the Sacraments. They were at once delivered out of their prison in York Castle, and handed over to the custody of the Church. On the eleventh day it was finally agreed that the twenty-four Templars should be deported to twenty-four different monasteries in the Province of York, with certain of their colleagues. Finally, on 15th August, 1312, Archbishop Grenefeld issued an ordinance cashiering the whole Order in his province, and making for them a permanent provision. It is in this great trial that we hear of the official bearing the noble title of "Dean of Christianity," engaged on his proper duties; for the office was largely one of a disciplinary nature. Here he had custody of the Templars, and kept them under lock and key in York Castle.

The one thing that comes clearly out of this singular episode in the history of Convocation is that the clergy and doctors of the Northern Province handled the affair in a temperate and fairly judicial spirit. The dissolution of the Order was not accompanied by any of those scandals and brutalities which made it the worst feature of the reign of Philip the Fair; nor were they so hardly treated at York as they had been at Canterbury.

The English King and the Northern Convocation alike were very reluctant to push things to extremities; nor, in truth, did the Papal Bull really represent the

wishes of the Pope. He was a doleful Avignon captive of Philip IV. An abiding lesson, too, it was, that nothing but the weight of the wealth and consequent power of the Order brought it down. Round the Templars raged the huge struggle between the imperial and national idea of government; and the quickly growing influence of the nations struck first on this rock of offence, this non-national force, this papal and universal Company of Janissaries. It was after the manner of the times that they should be charged with terrible offences. To some their luxury of life made them prone; it is a well-known downward way. Under such conditions, celibacy pointed towards vice. It is not that the Templars were reckoned as saints, and were not; they were just gentlemanly upper-class people, with many of the unpleasant habits of their age and class. Their misconduct, hugely exaggerated, no doubt, yet with a real basis of truth in it, gave Philip his chance of enriching himself by overthrowing the whole Order. The "marriage between Monk and Knight," as the first Master truly said that it was, had monk's restrictions and knight's excesses. Wealth gave them temptations too strong to resist; pride, ambition, and self-indulgence sapped their foundations. There is truth in Buckle's sharp saying, that their existence "inflicted the greatest evils on society; their members enlivened the superstitions of monks with the debauchery of soldiers."

It is a curious sequel that we find in 1314. The Templars placed in retreat in the Hospital of St. John of Jerusalem appealed to the Archbishop against their hosts. For though they were to receive "fourpence a day, and congruous victual," this allowance was never paid them by the Hospitallers. "You," says the Archbishop, "have got the Templars' manors and wealth, and yet,

though you are bound to support them, I hear daily tearful complaints, telling me that you fail to give them anything, until they are like to die for lack of food." He orders the Hospitallers to do their duty, to be honest, to pay up.\*

At this very time Convocation interposes with effect, in July, 1311, on behalf of Bishop Walter Langton. He was then confined in prison on the King's orders. The letter was sent by Archbishop Grenefeld, Kellawe Bishop of Durham, and Dalton of Whithern, with the rest of the clergy present in this provincial Synod. Carlisle and Man were not there. Edward II had arrested Langton on coming to his throne, as we are told by Speed : "The first taste which Edward gave of his future behaviours at home was a vigorous revenge taken by him upon Walter de Langton, Bishop of [Coventry, Lichfield, and] Chester, Treasurer of England and principall executor of the last Will of the deccased King . . . . The Bishop's crime was a kinde of good freedome which he used in the late King's daies, in gravely reprovng the Prince for his misdemeanours, and shortening his waste of coyne by a frugal moderation ; and particularly that he had complayned of Piers Gaveston ; whereupon ensued Prince Edward's imprisonment and the other's banishment ; an therefore coming now to the crowne he arrested the Bishop and imprisoned him in Wallingford Castle."† The Bishop, we find, was "reconciled with the King in 1312."

In the fourteenth century Convocation mostly voted aids, though there were some few points of interest.

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\* Wilkins, *Concilia*, II, 447 : "Lacrymosas indies recepimus querelas, quod vos haec omnia ipsis subtrahitis."

† See *Historical Papers and Letters from the Northern Registers* (Rolls Series, 1873), p. 199, and Bishop Kellawe's *Register*, I, p. 38. The quotation is from Speed's *Historie of Great Britaine*, 1615, p. 667.

Thus, in 1323-4 the two Convocations sat, because of the unwillingness of the clergy to help Edward in his expedition into Scotland. They mistrusted him. It was already an understood trick, that the King should ask for an aid for an expedition, and then use the money contributed on his own weak vices; it was a not unusual form of getting money on false pretences. In January, 1324, Convocation replied that the clergy were very poor, and begged to be excused from voting a subsidy. At the same time they generously promised, if they were let off money payment, to be profuse in saying masses and making prayers for the King and for the success of his proposed expedition. The royal reply we do not know, though we have an earlier example in the case of Henry III.\* It may be that one result, a wholesome consequence, was that before this reply was received Edward II had made a truce for thirteen years with Robert Bruce, so that this disastrous war, cause of boundless waste and misery for twenty-three years, had actually ended before Convocation sent this quaint reply to the King. A little later, in 1327, Edward III summoned Convocation to meet at Lincoln, where he proposed to hold a Parliament at the same time. Only a few members of the Northern House appeared, and they came simply to protest that their synod, being provincial, could not be held outside the Northern Province. The Archbishop of York felt

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\* In earlier days this substitute had been tried on Henry III. In the Council of London, 1255, we are told that "when Magister Rustandus had made them a sufficiently prolix speech, and had demanded '*ad opus papae et ad opus regis, juvamen pecuniae non modicum*,' the Cistercians refused the aid. Then King Henry sent for the Abbot of Buildwas, who made him the reply that '*it was more seemly to ask them for '*orationes magis quam pecuniam*,' and that the King might surely be satisfied with these, as the King of France, pious man, had been with churchmen's prayers.*' To this Henry rejoined, with a practical if pious mind, that: '*I should be grateful for prayers,—but I must have the money too.*'"

that there was truth in this remonstrance, for he got leave from the King to withdraw with his clergy. They held their Convocation within the bounds of his province. His letter on the subject to Bishop Beaumont, of Durham, is interesting.

In the Close Rolls for 1336 we find a Royal Writ urging the Northern Convocation to vote a ready subsidy, because of Scottish troubles, adding that, as Canterbury had been liberal, York should not lag.

Another peculiar incident occurred in the Convocation of 1339. When Edward III called on the Archbishop for help to protect realm and church, he found the Convocation very unwilling to vote an aid, and writes, "Though Canterbury has consented, York still holds out, 'unde plurimum mirabamur' "—would, then, the Archbishop call another Convocation, and see to it that he got the vote passed? This royal writ,\* dated at Byfleet, near Weybridge in Surrey, is witnessed by Edward the Black Prince. Convocation, summoned accordingly, voted a two years' tenth, with no stipulations; later, however, it was otherwise. Edward again sends his writ, this time from Eastry in Kent, not far from Dover, to Archbishop W. (William de la Zouche). The King was in the south, because of difficulties with France, and because of the proposal made by Clement VI (1342—

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\* The date of this Writ is apparently 13 Edward III, *i.e.*, 1339. It is addressed to W. Archbishop of York, and refers to J. Archbishop of Canterbury. This gives us a date between 1333-1349, as that was the period of Archbishop John Stratford. W. as Christian name of a York Archbishop might be either William of Melton (1317-1342) or William de la Zouche (1343-1352). Now the writ has as a witness "Edward, Duke of Cornwall, and Earl of Chester, our beloved son." This was the renowned Black Prince of romance and history. He was made Duke and Earl in 1336, and did not become Prince of Wales till 1343. So that this fits rightly for him. In 1339 he was Duke and Earl, and so witnessed the writ.



1352)\* for a peace or truce between the two countries. This was in the first year of Zouche's pontificate, 1342, or early in 1343, when Papal legates came to England to mediate a three years' truce. This fits in with the statement in the King's writ, that the Archbishop would do well to call a Convocation to sit at Pontefract, "because, as is said, you cannot conveniently enter your city of York before the date fixed for your enthronement there." William de la Zouche was consecrated at Avignon in July, 1342, by Clement himself. After the sitting of this Convocation, Zouche forwards to the King a certificate saying that "after a great discussion and resistance, and after many excuses for not voting an aid, the Convocation yielded at last to the King's prayer and the Archbishop's urgency, and voted a tenth," only, however, on conditions annexed, to the effect that the Church should enjoy all liberties, rights, and royal protection; that churches and ecclesiastics should be burdened with no vexations, wrongs, or horse-keep for royal horses; that York should enjoy all the favourable terms laid down as conditions by Canterbury; that if any other papal or royal subsidy should be levied in the year, this should be reckoned as having been paid as a part of the tenth voted to the King; also, that damage done to the Church in the late vacancy of the see of York should be put to rights; that in future, in time of vacancy, the care of the temporalities should be placed in the hands of the Dean and Chapter, that body paying to the Crown a certain sum for such time of vacancy; also, that this vote should be expended on the protection and defence of the realm in the northern parts, especially against the Scots, and in no other wise

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\* This was the Pope who made the remark that "if the King of England were to ask for an ass to be made Bishop we must not say him nay" (Fuller, *Ch. Hist.*, II., 297), a side evidence of the strength and persistence of Edward III.

wasted ; and, finally, that these conditions should be granted by the King in due form, and duly be adhered to. If these conditions were broken, then Convocation would decline to sanction any payment under this vote, or to allow any penalties for non-payment.\*

There is a common-sense vigilance in this document, which does credit to northern caninness. The ecclesiastics would, with much reluctance, vote the money, but only for a definite purpose, and would see to it that it was used for this purpose, and not wasted on court frivolities or extravagances.

In the fourteenth century, also, the protests of the Durham Palatinate grew more marked and definite. Bishop Hatfield, in 1351, in the early part of his episcopal reign over the lands between Tyne and Tees, deals largely with this protest, which has appeared in Convocation from that time down to the days of many persons still living. There are still vigorous members of Convocation who in their day have read one or another of these documents at the opening of sessions of Convocation. It was formally and impatiently gone through ; the Bishop's first, then came the Dean, then the Archdeacons, the Chapter, and the proctors for the parochial clergy. These were monotonous, and entirely out of date, wasting time. Impatience, then derision, befell them, until at last the venerable voice of protest ceased in the days of Archbishop Thomson. The actual end of it was this :—When the last protestor had read his paper according to form, and had requested that, as usual, it should be entered among the acts of Convocation, the Archbishop, instead of ordering it to lie on the table, with a gesture of high disdain, after saying, in the old formula, “ I regard this

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\* Wilkins, *Concilia*, II, 712.

to be frivolous and vexatious, and in no way pertinent to the present business," threw the documents on the floor of the house, as a mean thing no longer to be treated with the least respect. Henceforward, the protests were no longer read or offered, and the ancient usage came to an end.\* Bishop Hatfield's protest took the form of the appointment of a proctor, an agent, or man of business, on his own behalf, and he carefully points out that the Bishop of Durham enjoys the privilege of a papal exemption, and is thereby made free from the jurisdiction of the see of York. "Nevertheless," he adds, "lest the King's business should suffer damage by our absence, this proctor does appear, in the way claimed by the Bishop and in no other way; and protests plainly that it is neither his intention nor the intention of his lord the Bishop to appear in obedience to the Archiepiscopal mandate." And when the Archbishop's Commissary had heard this read, he replied, "Master William, we are pleased to hold your Lord excused, by reason of his privileges stated; nor do we intend anything to derogate from such privileges." All this was at once taken down by the notary, signed and entered, as the protestor had requested. In a like way, in 1377, Bishop Hatfield again protected his rights, by sending his Vicar General to Convocation. "Seeing," says Wilkins,† "that the Bishop of Durham, by reason of privileges granted him by the Apostolic see, received the Archbishop's mandate with a protest, he (Hatfield) sent out his own mandate to William of Farnham, his Vicar General, ordering him to appear in Convocation on his behalf."

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\* The established form of this Protest shews that it is plainly set down as frivolous. I have the description of this scene, from the kindness of Mr. Hudson, the Registrar of Convocation, an eye-witness.

† Wilkins, *Concilia*, III, 114.

It may be well to notice here that Fuller, in his Church History, enumerating his four somewhat imaginary "ranks of Synods of Convocation," gives, as his third rank, the Convocations summoned under the first and second Praemunire Statutes of Parliament (1353 and 1393). The earlier of these declared forfeiture and outlawry for all who sued in foreign courts for matters cognisable in the King's Courts, and the latter was distinctly aimed at the jurisdiction of the Papal Curia. In these statutes the national independence of the King of England was asserted and enforced, and it is important to notice that Convocation was the ground on which this battle for independence and dominance necessarily took place; for every churchman was under two allegiances, royal and papal. These clashed continually, until they were finally settled by the strong hand of Henry VIII. The remonstrance so bravely made by Bishop Tunstal against the supremacy of the King was, in fact, the voice of a recalcitrant Convocation of York; and even he, in the end, was fain to submit.

In the fourteenth century, though Convocation was usually consulted, the supervision of the Church and of morality belonged less to the Synod than to the Bishops. Thus, in 1367, Archbishop Thoresby issued Constitutions, which doubtless were laid first before Convocation, and approved by it, because, as he said, he was "wishing with all our strength to resist certain errors and abuses, which were increasing seriously in the Church." He laid down twelve injunctions bearing on morals. No allusion is made to doctrine. The Wickliffe movement was not yet. The points are (i) markets, courts, or shows may not be held in churches, porches, or churchyards, or on Sundays and festivals; nor such sports as "wrestling, archery, or games which may open the door to sin, quarrelling,

ill will, fighting. (ii) Plays and “turpitudines,” that is, loose farces, Fescennine verses, and such like, must be kept out of churches, churchyards, etc., on vigils or at funeral wakes. (iii) The synodal taxation of Archbishop Zouche is confirmed. (iv) The pay of parish chaplains and others is settled; a chaplain who accepts more than six marks a year shall be liable to suspension. (v) Mothers and nurses are warned against overlaying babes; each babe should have his own cradle. (vi) People should pay cheerfully when the churchman came to levy his tithe. (vii) Fraudulent alienations of property should be stopped. (viii) Dress, bearing, decency, of Churchmen must be considered. “As all swaggering of bodily wantonness should be unknown to men in Orders, the canons and the fathers have with heavy penalties prohibited ecclesiastics from wearing cassocks ridiculous and noticeable through exceeding shortness, or boots of a boastful make, (nec in *calciamentis* quaevant gloriam, sed in *statu mentis*), they should try to please God and man by sober conduct and decent dress, for an ill-ordered body betrays a diseased mind, as the scripture has it, and so an indecorous garb makes men think you vile. Yet some clergy, even priests, presume to wear garments of a deformed shortness, ‘*deformiter decurtatas*’;\* cassocks that do not reach down to the middle of their legs, defiant of clerical decorum; and as they cease not to wear such things daily, in public, to the peril of their souls and to the grave scandal of their order, and as these things are a pernicious example to others,—we denounce on all such both censures

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\* “This cassock so cut up would be a *courtepys*, or short *pea* jacket; such garments were well enough for my Lord Prior or his retinue, or for Robin Carter and his mates, but are most unseemly for a clergyman. One sees in the Bayeux tapestry how very short the clerks wore the cassock, to display their gay red hose visible a good way above the knee.”—Note kindly contributed by Canon Fowler, of Durham.



and penalties, etc." The remaining clauses relate to the public hearing of matrimonial and divorce cases, to the forbidding of clandestine marriages; and to the general distribution of these constitutions. Then comes a list of penalties, with a catalogue of abominable types of immorality, homicide, blasphemy, brawling in church, perjury, simony, sortilege, conspiracy against bishops, arson, illtreatment of children by parents, corruption of nuns, violence towards clergy, imprisonment of clergy, and forgery. Clerics who attend lectures on law or physic are also denounced, as are they who help the excommunicated, or who lay burdens on churches and priests; usurers too, clergy who appropriate oblations, the excommunicated who say mass, clerks who appeal to a lay court, bigamists, clerks unordained and ministering, clerks who are promoted to orders "*per saltum*," men secretly ordained, or twice ordained, robbers of clergy, and, lastly, against all who publicly do enormous offences, whereby the city, town, village, or countryside is troubled, all these are condemned. The constitutions proceed as to suspension and excommunication. An appalling catalogue. Let us hope it represented possibilities, not probabilities, in the North.

In 1379 we find a detailed account of taxation. The Writ orders a demand for a large subsidy: for Archbishops, ten marks; for Bishops and Mitred Abbots, and Abbots and Priors being "*pares regni*," six marks; and other clerks holding benefices, according to their value.

In the next year Bishop Hatfield issues his summons for Convocation. He calls up the Prior of the Cathedral Monastery, the Chapter of the same by one proctor, and all abbots and elective priors, who have no abbots over

them, Deans, Provosts of Collegiate Churches, Archdeacons and Clergy "*promotos quam non promotos*," advocates also, the proctors of the clergy, and public notaries "*non conjugatos*"; that is, a married notary was ruled out.

Soon after this the alarm as to heresy broke out. The Archbishop of Canterbury begins denunciation in 1382, and in that year a Council was held in London, with a view to resistance against the influence of Wycliffe at Oxford and elsewhere. Wycliffe in 1381 had issued his views on transubstantiation, and orthodoxy was alarmed. Though the Northern Province was, apparently, less eager for a heresy hunt than the Southern, yet traces of the movement occur on every side. The South was nearer to him. Whether at Oxford or at Lutterworth, his influence was vividly felt; and his views were keenly discussed, warmly adopted or angrily resisted. The North soon followed, for the Canterbury Convocation called for assistance. In 1389 the two Archbishops united, and, speaking for their two synods, made a protest in Parliament against the steps being there taken. Wycliffe had died in 1387, and yet the spread of his views did not decrease. It must be remembered that the partisans of Wycliffe's opinions had very strong support in both Houses of Parliament, and also throughout the country. This protest does not name Wycliffe; it states emphatically that Convocation dissociates itself from the Acts of Parliament, because these limit either the authority of the Pope or their own liberties. By their own liberties they meant on this occasion a free hand to coerce and put down all Lollardism. It was about this time that this nickname (whether of derision, as of a dog lolling out his tongue, or as of psalm-singing fellows, or in seriousness, as of people who were

sowing tares among their wheat (lolium), or from whatever fanciful cause) first appears in England.\*

In a document issued by Archbishop Courtenay in 1389 we find this name used as a word fully recognized and accepted by the opponents of Wycliffe's teaching. The Archbishop's phrase is "Rogerum, Nicholaum, Ricardum, Michaellem, Willelmum, caeterosque Lollardos," and again, at the end of the paper, "Emanavit Mandatum contra Lollardos in hac forma."

While Canterbury was thus forward in the chase, York rather concentrated her attention on the resistance against taxation. In 1389 and 1392 it reluctantly voted tenths, stipulating that they should be raised "secundum novam taxam beneficiorum ejusdem provinciae," and with exception of all monasteries, etc., "which had been ruined in the last Scots' invasion"; they also state that "they grant this aid very unwillingly, for they had been sore burdened by bad harvests with Scottish raids, together with many other calls, unusually severe, all but insupportable." In the following year they granted only a half-tenth, with no conditions. Another half-tenth they offer on the condition that the King himself should cross over into either Scotland or Ireland with a fighting force only; and then they add that a third half-tenth should be paid if the King went personally into France: "but if he did not go abroad, to Scotland, Ireland, or France then the second and the third mediety should not be raised at all."†

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\* "The name," says Dr. Murray, in the *English Dictionary*, s. v. Lollard, "was originally applied, c. 1300, to the members of a branch of the Cellite or Alexian fraternity (also called *lolle-broedere*), who devoted themselves especially to the care of the sick, and the providing of funeral rites for the poor. . . . It usually was taken to connote great pretensions to piety and humility, combined with views more or less heretical."

† Ramsay, *York and Lancaster*, I, 112.

At a later date, 1409, Convocation was again far from being "buxom" with subsidies. There were alleged reasonable excuses; they hung back till December. In fact, the fifteenth century began badly in the matter of church-taxation. Henry IV was unpopular in the North. In the border districts all felt that they had suffered enough from Scottish raids, without also having to pay taxes to keep up armies which did nothing to protect them. The feeling was prevalent all through the century. At this period the amount of a tenth appears to have been about £14,500 for the Southern Province, while, for the Northern, it was barely a tenth of that amount. According to the original "taxatio," it was calculated to reach £4,000 in that province, though it hardly reached £1,400 in actual payment. The returns from the days of Henry IV were still worse. They reach for Canterbury to £11,000, and for York amount only to a poor £600. About 1415 the tax brought in rather more: Canterbury's return came to nearly £12,000, and York's to about £1,250.\* In 1411 the clergy could not be persuaded to vote an aid at all. They had met at Beverley, and were adjourned thence to Bishopthorpe, hard by York. The Archbishop, in his letter to the King, tells us that "as the clergy at Beverley would not give, his commissioners had prorogued them to the new church of Clement Thorpe,† where, though the Archbishop

\* An interesting light is thrown on the destination of sums voted by Convocation in the Patent Rolls of 9th Henry IV, part 1, m. 4 (1408). "Pro Comite Westmerlandiae. Rex omnibus, etc. . . . assignavimus carissimo fratri nostro Radulpho Comiti Westmerlandiae, custodi castri et villae nostrorum Karliolensis, et de Rokesburgh, et de la Westmarche versus Scotiam, super salva custodia eorundem castri villae et marchiae, mille libras percipiendas de eo quod per clerum provinciae Ebor. in proxima Convocatione sua nobis erit concedendum." So that it appears that the King gave it away before he got it, but on the right kind of uses.

† Clement Thorpe is in the direction of Bishop Thorpe, just outside the walls of York to the southward. It was a nunnery, only lately the scene of that strange event, the execution of Archbishop Scrope (1405).

was present and presided, still Convocation stubbornly refused to vote an aid. After another prorogation "they were at last overcome by our prayers and urgency, and voted a tenth, and even then the Church of York, and certain religious houses, claimed exemption." The following entry is common in these times : "*post magnam altercationem ac varias excusationes tandem unam medietatem aegre concedeabant.*"

In 1410 the Archbishop produced a new argument : the "*horrendum illud scisma,*" that Great Schism, which was one of the worst periods for Popes and churchmen, had begun. Benedict (1394) was sitting as Pope at La Spezia, Gregory XII (1406) at Lucca. The Italian Cardinals on the side of Gregory were only eight in number, and they withdrew from Lucca to Pisa. Benedict's supporters were almost all French or other outside Cardinals. It was to meet this ugly state of things that Archbishop Henry Bowet issued his mandate for a Convocation to be held in order to consider how this evil might be stayed, and he summoned "*prelates exempt and non-exempt*" (that is, those who were not liable to taxation, and those who were), and with them other "*foreseeing and mature men of great literature in the province*" (*homines magnae literaturae*). So sudden and desperate an emergency required a strengthened Convocation. In 1414 this body was summoned to meet in November, with a view to sending ambassadors to the Council of Constance. The sum voted for their support took the form of a tax on all liable benefices of 4d. in the pound, and on non-taxed benefices sometimes as much as 8d. in the mark ; this, however, was to be laid in accordance with the true value of such untaxed benefices, and should be estimated "*juxta discretionem vestram.*" Two months later Convocation again met, and, with deep grumblings, voted two whole tenths.



In 1417 came a change. A Convocation was held this year at York, on the Archbishop's Mandate; and Bishop Langley's Register says clearly that this was "sine brevi regio."\* It was summoned to strengthen the shaken unity of the Church, and to advance the much needed reformation of it. For, between the Great Schism and the quick spread of Lollard opinions, which included startling views as to both priesthood and sacraments, the Bishops felt their footing precarious and in danger. This was, perhaps, the beginning in the North of a movement against these new and subversive ideas, coupled with the undertaking of a reform of some kind within the Church. Canterbury had been hard at work on these subjects for some time past.

It was just at this time that we meet with a very singular proposal for amendment, addressed to Convocation. It is but a fragment taken from the general movement of the time. We find it in Langley's Register.\* The Universities of Oxford and Cambridge appear to have united in claiming for their graduates more general recognition in the matter of appointments to benefices. No doubt it seemed reasonable that the best educated men of the time should be scattered throughout England as watchers and teachers, against these growing novelties; and the old Universities deemed themselves the best trainers of men to cope with these distresses. Thus it was that Convocation, sitting from September, 1421, to January, 1422, had under consideration "a vast number of lamentable propositions and complaints on behalf of the Universities," and undertook to consider seriously their grievance and the claims of graduates for such

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\* Langley's *Register*, ff. 81 and 283, and f. 110 a.

promotion. They issued an order, without hesitation as to their own powers, to the effect that whatever patron in the Northern Province had a benefice to bestow, he should in future present to it someone who held a scholastic degree (*i.e.*, in Theology, or Decrees, or Medicine, or that of Master of Arts, and even, under certain restrictions, that of Bachelor of Arts). This is the more surprising when one remembers that just then the whole University of Oxford was deeply coloured by Wycliffe's teaching.

There appears also on the Acts of Convocation at this time a long and interesting account of the views and conduct of a certain zealous brother, Thomas Richmond. It is clear that the good man sympathized with much that went by the name of Lollardry, so far, at least, as concerns moral issues, and the relations between the clergy and the secular power. It does not appear that Brother Thomas said a word that could have been twisted into dogmatic heresy. He had been preaching in the new Chapel of St. Anne's, lately built on the Foss bridge,\* at York. Preaching, we are told, "without book," in his enthusiasm, his utterances had given grave offence. If he were not checked, who should say what evils might ensue?

His theses seem to be much as follows :—(1) A priest guilty of mortal sin is no priest in God's sight ; (2) a civil judge who arrests such a priest is in his right, and has committed no act of violence ; (3) the priestly office in the Old Testament was fulfilled by sacrifice and incense ; in

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\* This bridge led from the Foss-gate to the great fish-pond on the south side of the city. The bridge is gone, there is no trace of St. Anne's Chapel, and the lake is now covered with houses. St. Lawrence Street, passing through it, leads on to Walmergarth.

the New Testament by Celebration of the Eucharist ; (4) if the Church fails to punish fornicators, the State should do it ; (5) as some people, women as well as priests, perjure themselves, the secular power, if the spiritual power continues to be dormant and does nothing beyond abjuring the evil, may arrest and hale before the judge both women and priests ; (6) a priest arrested by the lay power, refusing to go to prison, may lawfully be beaten by the lay authority, and be thrust into the cells.

These are theses which point to a bad and weak side of spiritual government, and show that men were beginning to look towards the lay power for redress of the evil.

This honest and simple friar, when sent for, at once submitted, confessed his enormities of speech, said they were due to his preaching without book, and did his most to appease his judges. It was all in vain. He was deprived of his commission to preach, and disappears entirely from the page of history.

This same long Convocation gives us another struggle between the clergy and the Crown in the matter of voting supplies. It is chiefly notable for the insistence with which the Commissioners whom the King and Parliament sent down had twice urged on them their duty of voting an aid. Convocation had been very restless, clamouring for a dissolution, or at least a long prorogation. But in the absence of the Archbishop, the Bishop of Durham, sitting as president, hesitated, and did not venture to act. And though the Commissioners, William Talbot and Richard Neville, knights, "*strenui ac nobiles domini*," urged them with arguments based on the great

importance of help at the time, both for England and for France, for these were days of great tension; and though, somewhat later, the Earl of Northumberland and Richard Neville again laid the case before Convocation, they still insisted that they should be dissolved without coming to a vote, until at last the Bishop of Durham, holding that he had no power to dissolve, adjourned Convocation to a distant day, and so successfully evaded the difficulty.

Once more in these days we find a combined action between the two provinces, and this was over the well-known Statute of *Praemunire*.\* This statute of 1353 declared outlawry or forfeiture for any one who dealt in foreign courts for matters which might be dealt with in the royal courts.† Another statute of the same name was passed twelve years later, in 1365, and definitely denied the jurisdiction of the Papal courts. The joint petition of the clergy, which was issued about a hundred years later, was both a protest against any such appeal or reference to the papal Curia, and also an illustration of the combined action of the two Convocations.

In Archbishop William Booth's Register ‡ there is a curious summons to a Convocation to be holden at Durham about this time. It shows what the Durham contingent to an assembly of the kind was in those days.

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\* This statute has nothing to do with that "*Praemunientes Clause*" which is found in the royal summons of the thirteenth century. That clause directed the electors as to their rights, in the new constitution of Convocation; and the statute of 1353 was a protest of the national or royal power against the claims of the papacy or other foreign authority to hear English causes in their courts.

† Stubbs, *C. H.*, III, 446.

‡ W. Booth Reg. Ebor., f. 334.

## NOMINA CITATORUM.

Johannes, prior ecclesiae Cathedralis Dunelmensis.	} Citati sunt ad com- parendum person- aliter juxta vim formam et effec- tum mandati viri reverendi.
Johannes, Abbas Novi Monasterii.	
Willelmus Abbas de Alnewick.	
Johannes Abbas de Blanchelande.	
Johannes Prior de Tynmouth.	
Willelmus Prior de Brenkeburn.	
Archidiaconus Dunelmiae.	
Archidiaconus Northumbriae.	
Decanus de Aukland.	}
Decanus Cestriae in Strata.	
Decanatus Launcestriae (vacans).	

The next event of European interest which makes a mark on the records of Convocation is the effort eagerly made by that polite scholar of the Renaissance, that shifty politician of the fifteenth century, Pope Pius II. With this proclamation he seems to have closed his interesting, though, perhaps, not edifying, life. The fall of Constantinople in 1453 had deeply agitated the conscience of Christendom, and Pius proposed, and attempted to lead, against the triumphant Turks a crusade of all Christian lands. He hoped that by this devotion of himself he might redress and steady the balance of European politics, still unsettled and swaying after so great a blow. In 1464 his urgent Bulls went abroad : " We do not propose to take the sword into our own hands ; how could hands, now so feeble that they can scarcely be lifted up to bless the people, be strong enough to draw the sword ?—No ! we fight by prayer, not by carnal weapons ; with our voice, not with our sword, will we lead our warriors ; we will stand on the high stem of our ship, or on some neighbouring cliff, and watch our



brethren in the fight ; with our benedictions we will paralyse our enemies, as Moses the Amalekites ; for as he prayed Israel prevailed, and when he stayed they failed." He also sent a request to Edward IV, whom he seems thereby to have recognized, asking that a tenth might be levied throughout England for his " blessed viage." Hereupon Edward broke through ancient usage, and addressed the two Archbishops in the English tongue, begging them to obtain from their clergy this vote. The King was, as usual, well aware of the risk of even seeming to acknowledge the Pope's authority to call for taxation. He, therefore, requested the two Archbishops through their Convocations to act independently. Edward was at this time firmly seated on his throne. In 1482 he had been anxiously awaiting the close of the struggle in the North. In Durham, where " he lyethe," as the Paston Letters say,\* and where he abode most part of the year, he fell ill of the measles, and had to continue there, till in convalescence he could travel back to London. In the summer of 1463 he came back as far as to Nottingham, whence in 1464 he despatched his letter to the Archbishops. This letter was written in English. The King's point of view is well given by Wilkins : " The King sends a letter to the Archbishop in English, dated at York, the 11th of June, wherein he gives him to understand that the Pope, determining to put his person into the blessed viage by his holiness proposed against the Turks, desired to have a disme laid upon the clergy of England towards the socour of the said viage, and had to that effect sent his bulls into this kingdom. To prevent the inconveniences that might follow by the examples of such impositions

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\* " The King lythe at Durham," *Paston Letters*, II, 121 (11th December, 1462).

hereafter, whereof the like hath non [not] been in times [past] put in use in the days of his noble progenitors, being right loth to suffer such new impositions to take effect in his days, he was advised to raise such a subsidy by his own authority as might satisfie the pope, and prevent the execution of the said bulls ; and therefore he desires, exhorts and prays the archbishop to write to his suffragans to call their clergy together, and exhort them to grant him such a subsidy to be levyed in all haste, as mowt honorably reasonably and thankfully please and content our hoily fader, and appoints and names six commissioners to receive at the hands of such collectors as shall be appointed by the clergy to levy it."\* Just before this he had, by the defeat of the leading Lancastrians at the Linnels, near Hexham, firmly secured his crown.† The aged Pope was at this moment waiting at Ancona for the gathering of the crusading fleet, when he was seized by his fatal illness, and died (8th August, 1464), and such of the fleet as had arrived was at once dispersed, the crusade thus dying out of itself.

A very short time before this catastrophe the King's letter reached the Archbishops. It is dated Nottingham, 17th May, 1464. On receipt of it, the Archbishop of York issued the usual mandate to the clergy of his own diocese, not to the province, summoning them to meet in Doncaster Church on the 13th July. They voted 6d. in the £ to the King.

From the Calendar of Patent Rolls‡ we learn that receivers of subsidy were appointed to collect this special tax, on the warm exhortations of both the Archbishop of

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\* *Concilia*, III, 598.

† 14th May, 1464. See Ramsay's *Lancaster and York*, II, 303.

‡ Edward IV (1461-1467), p. 370, dated 19th December, 1464.

Canterbury and of the late William Booth, Archbishop of York, who had died before it could be collected. They prayed that this subsidy should be presented to the Pope for "aid and relief against the tyranny and cruelty of the Grand Turk."

Just before this (1463) we find York willingly adopting Canterbury Constitutions, in the following terms:—"Quod praelati et clerus in praedicta Convocatione volunt et concedunt unanimiter quod effectus Constitutionum provincialium Cantuarensium ante haec tempora tentarum et habitarum Constitutionibus provinciae Eboracensis nullo modo repugnantium seu praejudicialium, et non aliter, nec alio modo, admittantur, et quod hujusmodi Constitutiones provinciae Eboracensis, prout indiget et decet, inserantur, et cum iisdem de caetero incorporentur et pro jure observentur."\*

Soon after this follows a Concilium Provinciale, a sort of Great Convocation, at York, held in 1466, notable as having been summoned by Archbishop Neville without a Royal Writ. This body issued a Constitution which shows that they were alarmed by the growth of Lollardism, and hoped to meet the crisis by putting the Church in order. The "Constitution" sets in the front "the ignorance of priests," and the folly of clerks, who, between them, quite neglect to teach the people. They are warned to expound to their hearers "in the vulgar manner," that is, in English, without fantastic texture or subtilty, the fourteen articles of the faith, the Ten Commandments, the two precepts of the Gospel (to love God and to love the neighbour), and to fulfil the seven works of mercy; must warn their people against the seven capital sins, and, finally, expound the seven sacraments;

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\* Reg. Booth, Ebor., f. 342 b.

“and this they shall do at least once in every quarter of the year.” They further explain these heads, “lest anyone should excuse himself by reason of his ignorance.” The document was issued on 26th April, 1466.\*

It was at this time that the worship of the late King Henry VI became a serious matter for those in power. In the *Historians of York* this cult is described as a “vilipendium” of Edward IV.†

Towards the end of the fifteenth century the Northern Convocation grew less unwilling to grant supplies. The accession, perhaps, of the strong-handed Tudors quickened their zeal. In 1483 they granted to Richard III not merely the usual tenth, but also “nomine charitativi subsidii,” a second tenth, to pay off the debts of Archbishop Rotherham. On the 27th February, 1489, they appointed fixed days for the keeping of four festivals: (1) the Transfiguration on 6th August, (2) “Name of Jesus” on 7th August, (3) Day of Dedications on the Sunday after the 30th June, St. Paul’s Day, and (4) on 2nd March, St. Chad’s Day.

In 1501 were voted no less than three tenths, two against the Scots, and the third “if the King in person or by a representative should go down with his royal army to face the Scots.” In the same year a subsidy

\* Wilkins, *Concilia*, III, 598.

† *Historians of York*, III, 336, 337. Archbishop Lawrence Booth, in a letter addressed to the Official of his consistorial Court, forbids such worship as follows:—

Nonnulli forum nostrae Eboracensis dioeceseos Christi fideles . . . auctoritate propria, et auctoritate ecclesiae sive Romani pontificis minime suffulti, locum ubi statua sive imago Henrici VI, quondam de facto regis Angliae, in ecclesia nostra metropolitana Eboracensi situabatur, venerari et ibidem publice offerre praesumunt, quamquam ipsius corpus non ibidem [est] sed aliunde sit humatum, in contemptum ecclesiae universalis et in vilipendium domini nostri Edwardi Anglorum regis IV, . . . . . quod ipsi et eorum singuli de caetero ab hujusmodi veneratione . . . se abstineant sub poena juris. 20 Oct. 1479.

was voted to the Pope for his war against the Turk.\* In 1502 Convocation was asked to construct a prayer for the King. In 1503 it voted a tenth against "the perfidious Turk." This vote, with others, was given under certain conditions, following up the old understanding that such votes were part of a bargain between the two parties. In 1505 the House advanced with the prayers for the King. They were ordered to be offered up in all churches. Constitutions, also, side by side with those of the Southern Convocation, were passed in these years. Those of 1518 codified existing Edicts of many Archbishops. They were arranged for Cardinal Wolsey, and cover the ground from 1257 to the opening of the sixteenth century.

In 1514, Wolsey, being then Legate as well as Archbishop, Convocation was summoned by him to meet as usual in York Minster Chapter House. No sooner were they settled there than the Archbishop, to their consternation, at once adjourned them to Westminster, where he promised to meet them. He also called on the Southern Convocation, at that time sitting in St. Paul's, to remove to Westminster. The Southern Houses demurred; they had no powers under their proxies to do this; their obedience was due only to his Grace of Canterbury, and a fresh summons had to be issued. Wolsey wanted to hold a Legatine National Synod, composed of both Convocations.† Cardinal Pole took a similar step some years later.

There is a darkened look on the countenance of Convocation in the session of 1523, for it sat under the presidency of Wolsey, and felt the ominous shadow of Henry VIII's personality. It met first in Wolsey's Palace at Westminster; then in the Abbey, probably in

\* Dr. Abraham's *Church and State in England*, 99.

† Trevor, *Two Convocations*, 85, 86.



the Jerusalem Chamber, where it continued till August, when Wolsey adjourned it back to his own house, "a place," he says, "surely accustomed and wonted for our jurisdiction of York." There they voted "mediam partem unius anni" of all produce.

It was in the 21st year of Henry VIII's reign that a committee of both Houses of Parliament decided that "a clergyman could not be a member of the House of Commons," because his proper place would be in another House.\* Convocation, when sitting by virtue of the King's Writ, was reckoned as the Parliament-House of the Clergy,† though in truth it was never really reckoned as an integral portion of the true Parliament.

In 1531 Convocation released, by a vote, the King and his successors from liability for such sums as they had previously lent to them. They also went further, and voted Henry VIII the large sum of £18,840 os. 10d. This was, in fact, the fine the Northern House had to pay for allowing the exercise of Wolsey's Legatine authority, without the King's express permission, though the Cardinal's hat and legatine position had been obtained by the King's special interference from the Pope.‡ As to this session of Convocation, we find a letter from Chapys,§ the Emperor's envoy, addressed to Charles V, on the 22nd May, in which he writes that "four days ago the clergy of York and Durham sent to the King a strong protestation against the supremacy which he pretended to have over them. The province of Canterbury had done the same. The King is greatly displeased."|| This

\* Atterbury, *Rights*, &c. (1701), 71.

† Trevor, *Two Convocations*, 53.

‡ Dr. Abraham's *Church and State in England*, 103.

§ Eustace Chapys was envoy from Charles V to the English Court, appointed 29th August, 1529.

|| Child, *Tudors*, 286.

was, for Durham, Tunstall's bold protest against the historic title of "Supremum caput ecclesiae Anglicanae." In this same Convocation Tunstall also read a strongly-worded protest against a summons sent by the Dean and Chapter of York at the time of the vacancy caused in the Archbishopric by Wolsey's death. The assumption by the King of headship over the Church as well as over the State, asserting a right never hitherto insisted on, or, if it ever had been acted on, had fallen completely out of use, was now emphasized by the appointment of Thomas Cromwell as Vicar General. This creation took rank above either Archbishop. This "had no precedent, and was never repeated." The Church submitted perforce, but did not acquiesce "in this startling fact that the authority, claimed by and wrested forcibly from that foreign potentate the Pope, was not transferred to the English Church as such, or to the Parliament, but to the person of the King himself." From this time Convocation had no real duty save that of voting subsidies.\* The Statute of Royal Supremacy issued in 1534 "may be said to have completed the work of separation of the English Church from the Roman obedience." In that year the Canterbury Convocation took a vote on the claims of the Papacy. Thirty-four members declared that those claims were unfounded. One voter stood aloof and did not vote; and four voted for the Papal supremacy. In York the same question was settled in the same way without a dissentient voice.

Changes now moved apace. Henry's masterful resistance against the Papal claims encouraged all who had discerned that more was at stake than a mere struggle between national and imperial ideas of statesmanship.

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\* Dr. Abraham, *Church and State*, 112.

Convocation, however, which could be bent, unwillingly no doubt, to support the King's personal claims of authority, was far more warmly sympathetic with him in his strong determination to support both the ancient system of Church government and the orthodox strictness of Church belief. Though the York Convocation had twice written letters to him protesting against his action with respect to the supremacy,\* Henry persevered with true Tudor obstinacy, and in the end bent them to his will. He knew his own mind, and saw, too, that in the present ferment he need not fear resistance. Fuller gives us a bright account of Henry's effective Statute (25 Henry VIII, c. 19) :—" That none of the clergy should presume to attempt, allege, claim, or put in ure, any canons, constitutions or ordinances provincial in their Convocation in time coming which shall always be assembled by the King's Writ, unless the same clergy may have the King's most royal assent and license to make, promise and execute such canons, constitutions and ordinances, provincial or synodal, upon pain of every one of the said clergy doing contrary to this Act, and thereof convicted, to suffer imprisonment and making fine at the King's will."† This was Henry's reply to the two protestations. Fuller tells us how it went : " Wherein the King began mildly to make the passage for his supremacy with their consciences, by a rational and argumentative way . . . . claiming nothing more thereby (*i.e.*, by the title of Supreme Head of the Church) than what Christian princes in the primitive times assumed to themselves in their dominions." Henry gave instructions to Cromwell to be present at and to manage the Convocations. Cromwell,

\* That is, by one letter addressed by Convocation itself, and by another from Bishop Tunstall with their knowledge.

† Fuller, *Church History*, III, 84. See also *Statt.* 25 Henry VIII, c. 19.

accordingly, took seat as head in the assembly, and by menaces and fraud induced the clergy to offer £100,000, on condition of receiving a full pardon. To their consternation Henry refused the offer, unless they coupled with it the recognition of his title of Supreme Head of the Church of England. The Southern Convocation spent three days discussing this, and in the end hoped to get out of it by a kind of compromise: they ceded the title, but added to it the words, "quantum per Christi legem liceat," so easing their consciences. The King hit out with contemptuous scorn: "let me have the business passed, without any quantums or tantums."\*

To this Fuller adds that "since this year, from Archbishop Cranmer to Archbishop Laud, all Convocations, so long as they lasted, are born tongue-tied, till the King did cut the string thereof with his letters patent, allowing them leave to debate on matters of religion. Otherwise, what they conclude are arrows without piles, daggers without points, too blunt to pierce into the practice of others, but sharp enough to wound themselves, and bring them within the compass of a *præmunire*."†

It will be well to note the successive moves of the royal power. In 24th Henry VIII, c. 12, the first Statute of Appeals determined that all causes, secular or spiritual, should be determined at home, none being thenceforth to be sent over to the Papal Curia; then, carrying on the autocratic power of the Crown, the petition of the Commons House in 25th Henry VIII alleged that the Acts of the clergy in Convocation interfered with the rights of the King, and of his subjects. This petition was sent down to Convocation. In the end they gave way.

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\* See the Act of Submission in Lathbury, *Convocation*, 111-115.

† Fuller, *Church History*, III, 84.

Their submission was framed within the walls of an Act of Parliament: they should never meet without the special authority of the King, nor make Canons but with his consent, nor issue them when made without his sanction.

In the following year, 1535, Fuller tells us that a reformed Convocation sat on the 9th of June. He says of it, "On the eighth of June began a short but sharp Parliament, dissolved on the 18th July following, effecting much in little time, matters, it seems, being well prepared aforehand, and the house assembled not to debate, but to do the King's desires. The parallel Convocation began the day after, being one new-modelled and of a fashion different from all former Convocations. There the Lord Cromwell, prime secretary, sat in state above all the bishops as the King's vicar or vice-gerent-general in all spiritual matters."\* In the Canterbury Convocation there were always two distinct Houses; at York they still sat together. "The lower, of the clerks and proctors of their respective cathedrals and dioceses, with deans and archdeacons therein; the upper, of the bishops, with the lord abbots and priors (I mean so many of them as voted as barons in Parliament) . . . I find not the abbots active in any degree in canvassing matters of religion. Whether this proceeded from any desire of ease, their laziness being above their learning, or out of humility, counting it more proper to permit such disputes to the sole disposal of the bishops, as most concerned therein, or out of fear, both to stickle on religion, knowing on what ticklish terms they stood."†

\* Fuller, *Church History*, III, 122, 123.

† Fuller, *Church History*, III, 123. It was at this moment, in the parallel Parliament, that the first Act for the suppression of the smaller monasteries was passed.



Parliament and Convocation were alike under the King's thumb : " they had read," adds Fuller, " the text, The lion hath roared, who will not fear ? " \* They showed strong bias against the reformers, and issued a protestation in which they urged that the reformers' zeal should itself be reformed. This Convocation also signed willingly the document declaring the nullity of Henry's marriage with Anne Boleyn.† In a word, in Henry's days the laws dealing with the doctrine and discipline of the Church were passed by Convocation and confirmed by Parliament, with a view to finding a middle course between the old and the new.‡

If any proof is needed to show the low esteem into which Convocation had fallen at this time, it can be found in Latimer's sermon before the Southern Convocation in 1536.§ " The end of your Convocation shall show what generation ye be of. For what have ye done hitherto, I pray you, these seven years and more ? What have ye engendered ? What have ye brought forth ? What fruit is there of your long and great assembly ? What one thing that the people of England hath been the better of a hair ? Or you yourselves, either more accepted before God, or better discharged toward the people committed into your cure ? . . . I am bold with you, but I speak Latin and not English, to the clergy not to the laity ; I speak to you being present and not behind your backs." So he continued at a long strain.

In 1536 Thomas Cromwell, as we have noticed already, sat above even the Archbishop of Canterbury, intentionally, to express the transfer of authority or

\* Fuller, *Church History*, III, 127, quoting Amos iii, 8.

† Wilkins, *Concilia*, III, 803.

‡ Dr. Abraham's *Church and State*, 124.

§ *Latimer's Sermons* (Parker Society), 45.

supremacy from the Papacy, whose Legate the Archbishop had usually been, to the Crown. Henry VIII claimed that Cromwell, as his vice-gerent, should take the highest place. Among many other signs of the King's domination, and, in truth, of his personal interest in his attempt to rule and direct Church matters, none is more striking than the Manuscript of Latimer's arguments against Purgatory, which arose out of the tenth item of the Articles of 1536. Throughout the paper the bishop's arguments are countered by opposition in the King's own writing ; it shows how strong was his feeling in this matter.\*

These "Articles about religion," set out by the Convocation, and published by the King's authority,† contained the following matters :—

1. The Faith.
2. Baptism.
3. Penance.
4. The Altar.
5. Justification.
6. Concerning Images.
7. Of honouring Saints.
8. Of praying to Saints.
9. Of Rites and Ceremonies.
10. Of Purgatory.

Of these, the King, in his introductory clause, says, " We have caused . . . the said articles to be divided into two sorts ; that is to say, such as are commanded expressly by God, and are necessary to our salvation ; and such others, as although they be not expressly commanded of God, nor necessary to our salvation, yet being of a long

\* *Latimer's Works*, II, 245.

† Wilkins, *Concilia*, III, 818.

continuance, for a decent order and honest policy prudently instituted, are for that same purpose and end to be observed in like manner." And by these Articles the King hopes to "attain to that most charitable unity and loving concord, whereof shall ensue your incomparable commodity, profit and lucre, as well spiritual as other." These Articles were signed by the Archbishop of York (Lee), and the Bishop of Durham (Tunstall), and by no other members of the Northern House.

In the same year the Northern Convocation considered the Ten Articles "devised by the Kinges Highnes' Majestie to stablyshe Christen quietnes and unitie amonge us, and to avoyde contentious opinions, which Articles be also approved by the consent and determination of the hole Clergie of this realm." These Articles were published by Berthelet, London, in 1536.\* The Northern Convocation, led by Archbishop Lee, had a strong bias towards the Roman party, and gladly consented to these Articles; for though they had many signs of compromise, such, for example, as their insisting on only three Sacraments, baptism, penance, and the altar, still they favoured the authority of the Pope, and the continuance of the old order. They may also have thought that they would so make up for their weakness in acknowledging the supremacy of the King. "This Convocation, composed of rougher materials than the representatives of the southern counties, had acquiesced but tardily in the measures of the late years. Abuses of all kinds instinctively sympathize, and the clergy of the north, who were the most ignorant in England, and the laity, whose social irregularities were the greatest, united resolutely in their attachment to the Pope, were most alarmed at the progress of heresy, and most anxious for reaction."

\* Fuller, *Church History*, IV, 22.

"The clergy of the north were disaffected to a man."\* On the other hand, they seem to have made no demur as to the issue by the King in 1536 of an English Liturgy, the first of those forms of prayer out of which our Book of Common Prayer grew. Next, in 1537, after a meeting in which both Convocations were represented, was sanctioned the issue of "The godly and pious Institution of a Christen man,"† which was an address to the King, containing a statement of the faith of the Church. It omitted entirely all mention of papal authority. And about the same time Archbishop Lee uttered a mandate, after he had caused it to be read in the Convocation of 1537, ordering the Archdeacon of York to instruct the clergy to preach the absolute abolition of that foreign authority in England. Yet, on the other side, the York Convocation apparently had nothing to say against the severe and cruel "Six Articles" of 1539.

When the Southern Convocation was ordered by the King to examine the translations of the Bible, the Northern House seems not to have been called on to take any part in it. The King's message to Canterbury was that it was his pleasure that these translations should be examined by the Universities,‡ and though there was some consi-

\* Froude, *History of England*, III, 95.

† A printed copy of this document exists in the Lambeth Library.

"THE BISHOP'S BOOK."

"The Institution of a Christen Man, conteynyng the Exposition or Interpretation of the Commune Crede, of the Seven Sacramentes, of the X Commandementes and of the Paternoster and the Ave Maria, Justification and Purgatory." Black Letter, 4to. Londini, T. Bertheleti, 1537.

The "Convocations" preface to this remarkable book was signed by the whole body of the Southern Convocation, and also by the three Northern prelates, the Archbishop of York, and the Bishops of Durham and Carlisle. The Archdeacons of Richmond and Nottingham also signed. There apparently were no others from the York Convocation.

‡ Two of the Bishops protested that "the Universities were much decayed of late, wherein all things were carried by young men, whose judgements were not to be relied on, so that the learning of the land was chiefly in Convocation."—Fuller, *Church History*, III, 201.

derable protest, on the ground that this would take it out of the hands of the clergy, still the King's will prevailed, and Convocation did what it was told to do.

Here comes a change in the affairs of the Northern House. From the 37th Henry VIII (November, 1545) the Acts of that House were no longer entered on the Archiepiscopal Registers, but were kept in separate books of their own, entitled the "*Acta Convocationis Ebor.*" They were at first carelessly kept, so that they almost might be taken to be a mere notary's rough note books, to be afterwards transferred in plainer writing, rather than a formal series of official Acts. They are mostly common forms, one of which is printed in the text.

It was somewhat after 1545 that the one notable change in the "common form" of Writ summoning to Convocation took place. Hitherto it had run: *Episcopus vestrae provinciae ac Decanos, et Praecentores ecclesiarum cathedralium, Abbates, Priores, et alios electivos, exemptos seu non exemptos, necnon Archidiaconos, etc.* From this time, significant of much, no Abbots or Priors appear on the list of dignitaries to be summoned.

It was in 1552 that the Thirty-nine Articles of Religion were approved by a body of Clergy, perhaps being a Committee of the London Synod or Convocation of that year. It is an open question whether or no these Articles were ever formally passed by Convocation. Certainly there is no trace of them in the records of the Northern House.\* Their title at first ran as follows,

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\* Bishop Harold Browne (*Articles*, p. 6, ed. 1856) says of the new Service Book, or *The Book of Common Prayer* issued in 1552, that "Convocation was not permitted to pass its judgement on it, because it would, in all probability, have thrown all possible difficulties in the way of its publication." The same cause seems to have affected the



pointing at some kind of Committee of the Houses of Canterbury: "De quibus in Synodo Londinensi A.D. 1552 inter episcopos et alios eruditos viros convenerat."

In the next year (1553) the York Convocation met in October, and sat till April, 1554. The special business to be transacted in it was, under Queen Mary, to deprive fifty-one "alieni," who were then holding benefices in the province. This Convocation also condemned the Book of Common Prayer as abominable and heretical.

In the last year of Philip and Mary, 1558, "a memorable Convocation," as Heylin calls it, was summoned "for the provision and preparation of arms for the defence of the realm." Of this Heylin says that "the clergy, taking notice of an Act of Parliament then newly passed, under which the subjects of the temporality having lands to the yearly value of £5 and upwards were charged with finding horse and armour accordingly, did by their sole authority in the Convocation impose on themselves and the rest of the clergy of the land the finding of a like number of horses, armour, and other necessities for the war. And this they did by their own sole authority, without relating to any subsequent confirmation by Act of Parliament, which they conceived they had no need of." This provision of arms, &c., was repeated by Canterbury in 1569; and the Archbishop of Canterbury wrote to the Dean and Chapter of York, asking them also to repeat it. "The clergy also did the like according to their several orders and abilities. For the imposing whereof upon the rest of the clergy they

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publishing of the 42 Articles of Religion, which also came out in 1552. Cranmer "took on himself the whole responsibility of that work."—Soame's *Hist. Reform.*, III, 648. Strype says that "the Archbishop was the primer or at least the great director" of them. See Strype's *Life of Cranmer*.

had no recourse at all to the midwifery of an Act of Parliament, but acted the whole business in their own synodical way without contradiction."

This decree excepted from such charges the Universities of Oxford and Cambridge, with the great Colleges of Winchester and Eton, "*ob literarum respectum* "; an early example of respect paid by taxation to education.

At the opening of Queen Elizabeth's reign we find, as was to be expected, Convocation distinctly, and in the North almost unanimously, hostile to the reform movement. It had just reaffirmed the doctrine of Transubstantiation, had once more declared for the supremacy of the Pope in things spiritual, and their temporal relationships, in England ; and had emphasized whatever tended towards the authority of the clergy. And in the inevitable confusion which followed the rapid changes in royal policy between Henry VIII and Elizabeth, the authority of Convocation had fallen so low that we find Elizabeth, near the opening of her reign, forbidding her Convocations to make Canons, and threatening the members, if they resisted, with "*Praemunire*." In 1562 the Northern Bishops, no doubt acting as representing Convocation, met the Southern Convocation, and jointly with them considered that body of divinity, which had first appeared ten years before this, the Forty-two Articles of Religion. These, now reduced to thirty-nine, were finally approved and passed, and finally received and adopted by the Queen. In "*His Majesty's Declaration*," undated, but belonging to the opening of King James' reign, and now prefixed to the Thirty-nine Articles of Religion, which were passed by Convocation in 1562, and were signed to by the three Northern Bishops, as well as the whole Southern House, we find the duties of

Convocation set out : “ Out of our princely care that the Churchmen may do the work which is proper unto them, the Bishops and Clergy, from time to time in Convocation, upon their humble desire, shall have licence under our Broad Seal to deliberate of and to do all such things as, being made plain by them and assented unto by Us, shall concern the settled continuance of the Doctrine and Discipline of the Church of England now established ; from which we will not endure any varying or departing in the least degree.” King James also, in publishing the Constitutions and Canons Ecclesiastical in 1603 (probably about the same time with the quotation above given), says that “ We . . . by virtue of our Prerogative Royal, and supreme Authority in Causes Ecclesiastical, give and grant by our several Letters Patent under our Great Seal of England, the one dated the 12th day of April last past, and the other the 25th day of June then next following, full free and lawful liberty licence power and authority unto the said Bishop of London, President of the said Convocation, and to the other Bishops, Deans, Archdeacons, Chapters and Colleges, and the rest of the Clergy before-mentioned, of the said Province, that they from time to time during our first parliament now prorogued might confer treat debate consider consult and argue of and upon such Canons Orders Ordinances and Constitutions as they should think necessary fit and convenient for the honour and service of Almighty God, the good and quiet of the Church, and the better government thereof.”

The process seems to have been intended to be worked thus : the Convocation of Canterbury should draw up Articles and Canons, and then these, when passed by them, should be sent down to York to be considered there ; thus leaving to York, in fact, a mere compliment of consultation, without any real power of drawing up

such documents. In this Convocation a subsidy of 6s. in the £ was granted to the Queen, and also a "gratuitous subsidy" to the Archbishop of York; 3d. in the £ to pay expenses of poorer proctors; 2d. in the £ for Richard Smerthwayt, the Apparitor. In 1564 the House requested the fees to be paid to Proctors in Convocation, and to the Apparitor. In Durham diocese, in Carlisle, in part of the Archbishopric, in York and Notts, the tax should be 3d. in the £ on all benefices; but in the East Riding and Cleveland 2d. only. Chester was put, somewhat later, at 3d. Sodor is mentioned, but the rate is not given. This Convocation sat "*de die in diem et de loco in locum*" to 3rd October, 1564; "*ac eodem die propter infectionem aeris pestiferi ubique per civitates nostras Londoniae et Westmonasterii et eorum suburbia adhuc invalescentia,*" it was farther prorogued to 1st May, 1565.

In the Convocation of 1571 we find the curious episode of John Bucke,\* M.A., a proctor, who desired to bring before the Convocation the need for a general scheme of reforms. In the *Acta Convocationis* of 2nd May, 1571, is this entry: "*Tunc comparuit personaliter Magister Johannes Buck, A.M. unus procuratorum istius convocationis, et exhibuit in manum praesidentis schedulam in scriptis conceptam propter reformationem habendam in ecclesiis istius provinciae, prout in eadem schedula plenius describitur. Qua quidem schedula per Magistrum Matthaeum Hutton, unum ex praesidentibus istius Convocationis vice et auctoritate dicti reverendissimi patris deputatum, publice perlecta, idem venerabilis vir de consensu dictorum collegarum suorum post tracta-*

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\* The Rev. John Bucke (certainly not Burke, as some have supposed) was proctor for one of the York Archdeaconries; a Prebend of York, stall of Grindall. He died in 1588, and his will tells us that he was then parson of Middleton-super-le-Wold, in Yorkshire, not far from Driffield.

tum habitum inter praelatos et clerum in hac congregatione congregatos, duxit deliberandum super schedula hujusmodi in diem Mercurii proxime futurum. Illo autem die, etc." (9th May). No note exists as to any such discussion or examination; only a prorogation till the 11th May, "ad audiendum voluntatem praesidentium super schedula apud acta remanente." In a subsequent meeting of Convocation, 8th June, 1571, there is a further mention of the "schedula": "ac ad audiendum voluntatem dominorum super schedula per Mag. Bucke exhibita, ac apud Acta hujus sacrosanctae convocationis remanente." It is again alluded to in the notice for prorogation to the 20th June. No farther trace of it is to be found. It either was never examined, or, if so, no entry was made in the Register. We may believe that in the end the schedule was quietly dropped. It is only natural that the House, always disinclined towards reforms, and having but lately settled down after a great reformation, would be shy of any reopening of questions.

The Convocations of 1571 authorized and confirmed the Thirty-nine Articles, and made them a necessary condition to be agreed to before ordination, and for holding a benefice. In this same year a Book of Canons was issued by the Bishops of both provinces, and authorized by the Queen. In 1575 Church order was, apparently, arranged by both provinces in common. The limits of 23 years of age for deacons, and 24 for priests, were also now fixed.

By 1581 the Northern Convocation appears no longer an opponent of the Queen's reformed government in matters ecclesiastical. They vote supplies readily, subjoining to the vote a most dutiful paragraph: "considering their duty towards the Queen, and the



manifold and large benefits of her reign, which rules them in peace, and gives them strength to obey the divine precepts and to fulfil their duties ; considering also that the publication of the Holy Word of God, 'and the establishment in the realm of a sincere and true religion, and the abolition of all manner of foreign power and authority contrary to her rule ; remembering too the inevitable expenses she will surely be obliged to bear for the defence and protection of the realm and of her other dominions ; as for a long time past she has had to act in Ireland against the Pope and his adherents, striving with all their might to overthrow the throne and the true religion." They have, therefore, willingly voted this subsidy.

In 1583 the payment of proctors or substitutes comes up again : " in respect of the pains and attendance of the proctors appearing in this Convocation, it is now ordered and decreed that every prelate and others of the clergy appearing by proctors now present in the same, shall well and truly answer, satisfy, and pay to his said proctor for every pound that he or they may yearly dispend by reason of their several livings and promotions within the province of York, all vicars excepted, 2d., and the said vicars 1d., and no more. And for the true and certain value of the same promotions and every of them, whereof the payment of this salary to the said proctors shall be made, the rate, taxation, and valuation now remaining of First Fruits and Tenths to her Majesty's shall only be followed and observed."

The " provincial council of York," as it is again styled in 1587, voted a voluntary subsidy of 6s. in the £ on all dignities, benefices, &c., in the province, with a Benevolence of 3s. in the £ to the Queen, and also a

“ proper payment,” viz., one half of the money raised for the purpose, to pay the proctors, and the other half of it, in equal portions, to be paid to the Registrar and to Thomas Southworth, the Apparitor. It also agreed to Ecclesiastical Constitutions drawn up by the Southern Convocation, and dated 18th January, 1588. The document states, in the heading, that these Chapters or Constitutions Ecclesiastical were “ per ipsam majestatem approbatae et confirmatae et utrique provinciae, tam Cantuarensi quam Eboracensi, ut diligentius observentur, eadem regia auctoritate sub magno sigillo Angliae promulgatae.”\*

In 1589 a paper of Orders to be observed by every bishop within the province of York was issued by the Archbishop. They show that Convocation was already much weakened, and the episcopal power correspondently augmented. These are printed in the Appendix, as it is not clear that they were ever passed by Convocation. Their interest lies in the evidence they give of the greater strictness of the conditions of Ordination. The rules of 1589 have continued in operation to the present day.

There was a great stir in ecclesiastical minds on the accession of James I. His quick interest in matters of learning, and his love of intellectual contests, joined with a conceited wish to shine in discussion, was a trial to the quieter spirits. He wanted to introduce a milder treatment of the Roman Catholics, while he strengthened the authority of the heads of the English Church. Yet, even in these questions we do not find that the Northern Convocation was prominent; it was quietly sinking into a subordinate place. What, for example, did it accomplish in the Constitutions or Canons Ecclesi-

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\* Wharton, *Concilia*, IV, 352.

astical, which were promulgated in 1603 and 1604, and made authoritative by King James, after they had been worked out by the Canterbury Convocation only, although the phrase runs, in the royal Brief which declares the King's assent, "we enjoin . . . the same to be diligently observed, executed, and equally kept, by all our loving subjects of this our kingdom, both within the provinces of Canterbury and York" ? \* Still, there is no further reference to the Northern Convocation ; it all stands in the name of the King and the Canterbury Convocation. Nevertheless, it is true that these Canons and Constitutions were laid before the York House, a year after they were first issued, and were then accepted by them. It is possible that York may have sent up some remonstrance by that time, and that then James decided to quiet them by submitting the Code to them also.

In the session of 1605 Convocation sat till December, and then on Archbishop Matthew Hutton's death (15th January, 1606) another King's writ was issued to the "guardians of the Spiritualities," the Dean and Chapter of York. The new Convocation on 4th February, 1606, elected John Thornborough, Dean of York,† to be "praeses vel praesidens." His name was sent up to James, with a request for a new Writ or letter of commission for the remainder of the session of Convocation. On the 5th of March Convocation elected William Godwin, Chancellor of York, Canon residentiary, and proctor for the Chapter of York, to be their Prolocutor. It was then that King James submitted to them the above Canons and Constitutions. It looks as if in these larger matters

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\* This passage occurs in the King's Brief at the end of the Canons, which, on the title page, are said to be by the Canterbury province, and no mention is made of York.

† And also Bishop of Bristol.

the Northern House was only formally consulted. They had to acquiesce in whatever Canterbury had decided on. Their originative powers, such as they were, disappear completely. The power of taxing Church property still remained with them for the present, but when, as one of the consequences of the Great Rebellion, the two Convocations agreed to consent that Church lands and property should be taxed on the same terms and in the same way as the rest of the country, and when, therefore, this one remaining power of taxation was handed over to the House of Commons, the last reason for an active life was gone, and Convocation ceased to have importance in the land.

Though Convocation still nominally sat, we find no record of work of any importance transacted by it. Even in the great retranslation of the Bible in 1611 we do not find that it took any part. In 1625 they had a long discussion on the powers of proxies or proctors. In 1640 Charles I brought out a body of Canons and Constitutions, after consultation with both provinces, the House of York sitting somewhat later than that of Canterbury. On this occasion this question was mooted, "Could Convocation continue to sit after the dissolution of Parliament?" Hallam calls this Convocation "an unfortunate precedent," because it was the last thing done before the entire overthrow of the Church of England by the Commonwealth. On this occasion Charles, feeling that, in his need for money and supporters, Convocation was his friend and might furnish him with supplies, asked his great lawyers to advise him whether the ancient usage of dissolution of Convocation contemporary with that of Parliament might be broken through. The lawyers, headed by Finch, the keeper of the Great Seal, replied, on 14th May, 1640; "The Convocation," they

said, " being called by the King's Writ under the Great Seal, doth continue until it be dissolved by writ or commission under the Great Seal, notwithstanding the parliament be dissolved.

John Finch, Custos M.S.

H. Manchester.

John Bramston.

Ralph Whitfield.

Robert Heath.

Edward Littleton.

John Banks."

This document, when read in Convocation, " made the 36 dissenters, though solemnly making their oral protests to the contrariness, yet not to dissever themselves, or enter any act ' in scriptis ' against the loyalty of this assembly ; the rather, because they hoped to moderate proceedings with their presence." This matter was very much discussed afterwards. Archbishop Wake, a King's man, quoted it as supporting the highest claims of royal authority, of which he was the champion, while Atterbury answered from the other side. One can read in Heylin what was the High Church feeling at the time. " The Parliament," he says, " had been dissolved on Tuesday, 8th May ; the Clergy met in Convocation the morning after, expecting then to be dissolved, and licensed to go home again. But, contrary to the general expectation, instead of hearing some news of his Majesty's writ for their dissolution, there came an order from the Archbishop to the Prolocutor to adjourn till Saturday. And this was all the business done that day ; the clergy generally being in no small amazement, when they were required not to dissolve till further orders." Then came a Writ, varied from ancient form. Hitherto, the common

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\* See also Trevor, *Two Convocations*, 97.



form had been "shall and may from time to time, *during this present parliament*, propose, confer," etc.; but now, instead of "during this present parliament," it ran "shall and may from time to time *during our will and pleasure* propose," etc. This "*durante beneplacito*" novelty enabled Convocation to sit on and to transact business after Parliament had been dismissed by an offended King.

A commission issued by Charles I on the Framing of Canons shows what a keen interest he took in tottering Church affairs. It is dated 15th April, 1640, and runs as follows: "To set down in writing and to exhibit or cause to be exhibited to Him all and every the <sup>s<sup>d</sup></sup> Canons, Orders, Ordinances, and Constitutions, Matters, Causes, and Things, to be by them from time to time conferred, treated, debated, considered, consulted, and agreed upon:—To the end that We upon mature consideration of Us to be taken thereupon may allow, approve, confirm and ratifie; or otherwise, disallow, annihilate and make void, such and so many of the said Canons, Orders, Ordinances, and Constitutions, Matters, Causes, and Things, or any of them; so to be by force of these Presents considered, consulted and agreed upon as We shall think fit, requisite and convenient"; and he continues, "Provided always and our express will, pleasure, and commandment is That the <sup>s<sup>d</sup></sup> Canons, Orders, Ordinances and Constitutions, Matters, Causes and Things, or any of them, so to be by force of these presents considered, consulted or agreed upon, shall not be of any force, effect, or validity in the law, but only such and so many of them and after such a time, as We by our Letters Patent under our Great Seal of England shall allow, approve, and confirm the same."\* In a similar way King Charles claimed the

\* Wake, *Authority of Christian Princes* (1697), pp. 371–378.

power of exercising judgement on the Articles of Religion, and blessed them with his sanction.

This was the last word of the State on their ancient claim to "excommunicate all clergy or laity who refuse to be subject to their decrees." The laity always resisted for themselves ; now they succeeded in placing the clergy also under the Crown, or, in the long run, under Parliament.

As for the rest of the life of this 1640 Convocation, it voted 4s. in the £ to the King, and spent dying days in framing seventeen Canons. It is curious to read the expressions of a devout faith in the King, to within a few months of the tragedy of the 30th January, 1641. The first of their Canons dealt with the Kingly power : "Every parson, vicar, curate, or preacher, upon some one Sunday in every quarter of the year at Morning Prayer shall read these explanations of the regal power here inserted" ; and it affirms bravely "that the most high and sacred order of Kings is of divine right." This was at the moment when Parliament had refused all supplies, and had been peremptorily, but vainly, dissolved by his Majesty. And the second Canon deals with "the better keeping of the day of His Majesty's most happy inauguration." The others are of less interest to us now. Fuller tells us that "soon after the same Canons were subscribed at York, where the Convocation is but the hand of the dial, moving and pointing as directed by the clock of Canterbury."\*

Here, then, for the time, the life of Convocation is suspended. No session of either province sat again till after the Restoration.

On the 8th of May, 1661, the Southern House met once more in Henry VII's Chapel at Westminster, and

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\* Fuller, *Church History*, VI, 175.

the York Convocation met the same day in York Minster. In very seemly fashion they opened their proceedings with a new form of prayer, which has been preserved to us in the Acta. To give the Prayer the greater prominence and dignity, it is not entered in the body of the Acts, but stands out on a separate page, facing the beginning of these 1661 Acts, as if it was intended that this form should be used at the opening of every Convocation. This Convocation appointed a Committee to act as representatives of the Northern House, who were to meet the Southern House at Westminster. The Archbishop of York, the Bishops also of Durham and Chester, sat with the Upper House of Canterbury at this time. This joint session was made in order that the whole English Church, by its representatives, should take part in the discussions and decisions as to changes proposed in the Book of Common Prayer. They made about six hundred alterations in it; and presently issued the famous "Sealed Books," a revised Book of Common Prayer, sealed with the Great Seal, and carrying the signatures of the chief personages who guaranteed the correctness of them. These folio volumes, with their seals, were sent out to every Cathedral and Collegiate Church in England and Wales: "which said books, and every one of them shall be taken adjudged and expounded to be good and available in the law to all interests and purposes whatsoever, and shall be accounted as good records as this book itself herebefore annexed," etc.\* This revision was adopted

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\* Act of P., 13 and 14 Car. II, c. 4, § 26. In the copy still happily preserved in the Cathedral Library at Durham, we find the signatures on the first page as follows:—

John (S) Croftes, Dec. Norw.  
 Jos. (S) Henshaw, Dec. Cicestr.  
 Rich. (S) Chaworth.  
 Gulielmum (S) Pauli Dec. Lichfeld.  
 Will. (S) Brabourne.  
 Mar. (S) Franck Archd. S. Alb.  
 Geo. (S) Stradling.

and subscribed to by both Houses, North and South, on the 20th December, 1661.

The Propositions printed in this volume show what questions were being mooted among the restored clergy. The King's order for a Conference at the Savoy between certain Churchmen and the heads of the Presbyterians was issued almost immediately.

In the Canterbury Convocation (May, 1661, to March, 1662) John Cosin, Bishop of Durham, was present. He laid before the House his book of Articles touching visitation; and was presently, by a unanimous vote, chosen by the Southern Convocation to draw up a form for the consecration of parish churches and chapels throughout all England. It is clear that at this period the northern Bishops, with Cosin as their leading mind, were in continual and close consultation with the southern. The Convocation of York also agreed on a body of Articles drawn up by Peter Samwayes, D.D., proctor for the clergy of Richmond and Chester. These were ordered to be transmitted to the Archbishops and Bishops in London, with a view to their dealings with the Book of Common Prayer. These matters were, apparently, meant to make preparation for the Savoy Conference. It, however, led to no harmony or accommodation between the two sets of opinion.

It is also interesting to note how, in his desire to strengthen the feeble episcopacy of Scotland, a new form of Convocation for that country was sketched in 1663. It was to be a synod composed of the two Archbishops, with their suffragans, all Deans and Archdeacons, the fixed Moderators, with one minister from each Presbytery, and a Commissioner from each of the Universities. This assembly was never to meet, unless the King could be

present, either in person or by a commissioner. In the end the effect of this attempt to strengthen northern episcopacy came to nothing.

On the 23rd July, 1663, Convocation voted four complete subsidies of 4s. in the £, to be paid in half-yearly instalments, from 1663 to 1666. This was the last assertion of rights of Convocation in the matter of independent taxation. The change that followed at this time was, indeed, the death-knell of this ancient body. The usages of both Convocations had been rudely broken through by the enforced suspension caused by the Commonwealth. For about twenty years no Convocation at all could sit. So, when it was summoned again after the Restoration, though it was eager to frame special services, or to keep down all Romanists and sectaries, or to revise and re-edit the Book of Common Prayer, it instinctively understood that the power of laying clerical taxes had been lost. The country had become familiarized with the Land Tax and the Poll Tax under Cromwell. The old usage of voting tenths, aids, benevolences, was felt to be a thing of the past. Since the days of Henry VIII their subsidies had always been confirmed by votes of Parliament. Consequently, when in 1664 the question of taxation took a practical shape, the Church, feeling itself secure in royal sunshine, and having recovered much alienated property, saw clearly that the more general system of taxation was better for it, and, indeed, might even be a monetary relief. And so the Convocations readily consented to a verbal agreement made between Archbishop Sheldon and Lord Clarendon, the Chancellor. They thus accepted what was, perhaps, the inevitable change, giving up all their rights and privileges of self-taxation. Hallam says that this agreement "was tacitly given in to by the clergy in general as a great ease to



them in taxation."\* Thus came in this new arrangement of which Bishop Gibson says that it was "the greatest change ever made in the Constitution,"† for, after this, Convocation became little more than an empty pageant.

In English history from 1664 onwards "the clergy have been taxed at the same rate and by the same machinery as the laity." It is true that in 1665 Parliament passed an Act, "under which the clergy were, in common with the laity, charged with taxes voted by that Act, and were discharged from the payment of the subsidies they had previously granted in Convocation"; yet in this same Act there is an express paragraph saving the right of the clergy to tax themselves in their own assemblies, should they think fit. This has never since been done, nor apparently even thought of. "The clergy have been constantly, from that time, charged on equal terms with the laity in all public aids to the Crown by the House of Commons." Hallam adds that "probably the arrangement with Archbishop Sheldon was founded on the practical difficulty of ascertaining the proportion which the grant of the clergy ought to bear to the whole in the new mode of assessment."‡

The result of this important change was the disappearance of all interest in Convocation, so true it is that power rests on the Money Bills. Take away this control of expenditure, and in comes autocracy unchecked. Throughout Charles II's reign the meetings of Convocation were formal only; and under James II, though the writs were still sent out, Convocation did not meet at all for business. There is a record of their meeting in 1689.

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\* Hallam, *C. H.*, II, 405*n*.

† Gibson,

‡ See *Statt.* 16 and 17 *Car. II*, c. 1, and Hallam, *C. H.*, II, 406*n*.

It was purely formal. "This," says Burn in his *Ecclesiastical Law*, "hath made Convocation unnecessary to the Crown and inconsiderable in themselves."\*

It is curious that the last piece of business recorded as having been undertaken by Convocation was a discussion, early in 1663, on the writing of a Grammar for the Latin and the Greek languages. For this Convocation asked the help of "certain persons, so long as they were not Schoolmasters or Pedagogues."† This matter was entrusted to J. Barwick, Prolocutor of the Lower House of Canterbury, and he sped so well in it that his "*Liber Grammaticalis*" was in Archbishop Juxon's hands in May, 1663.

In 1665 and subsequent years of King Charles II Convocation sat formally, but did no business. "During the remainder of King Charles II's reign," says Burn, "when the office of Prolocutor was void by death or promotion, so many of the lower house came together as were thought sufficient to chuse a new one; and those members that were about town commonly met during parliament once a week, had prayers read, and were formally continued till the parliament was dissolved, and the convocation together with it."‡

In the *Acta Convocationis Ebor.* of 2nd August, 1678, we find a Brief of Charles II for prorogation, in which he says, "*vobis mandamus quod eandem præsensem Convocationem nostram hoc instante 2<sup>do</sup> die Augusti, et ad interessendum in diem Augusti jam proxime sequentem apud ecclesiam Cathedralem S. Pauli*

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\* Burn, *Eccles. Law*, I, 407, s. v. Convocation.

† Wilkins, *Concilia*, IV, 578.

‡ Burns, *Eccles. Law*, I, 407. An example of one of these formal meetings will be found below.

Londoniensis vel alibi, etc.”\* And the book of the Acta comes to an abrupt close in the middle of a page, and in the middle of a sentence, the entry being dated 30th August, 1678. The last words of it are “Quibus die et loco . . .,” with which this second volume closes, leaving some blank pages. The third volume is of a different form, long and thin; and on the first page of it we find the same form of words still used at the opening of a Convocation: “All and singular persons admonished to appeare this day, houre, and place, at the present Convocation make your appearance, [and answer to your names as you shall be called] upon paine of Law. God save the King, Queen, and his Grace the Lord Archbishop of Yorke.”

In the troubled moment between James II and William and Mary, we gather from the York Records that Convocation met without a Royal Writ. They appear to have done nothing.†

In 1689 the Dean of York nominated four proctors, the Archdeacon of York two; and in these years the usual Proclamation, which pronounced absentees to be contumacious, etc., was signed by John (Sharp), Archbishop of York. It may be gathered from the mark *pslv* (personaliter) written against certain names, that out of the long list of members only about from four to six actually appeared, and these came solely to hear the King’s Writ and the Archbishop’s Mandate and the Proclamation, and, finally, the prorogation.

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\* Under 1679 we find this entry, “Quo die, viz. 2ndo Augusti proxime adveniente Nil actum fuit ratione Dissolutionis Parliamenti.”

† At the meeting of Convocation on 7th November, 1689, the body met (reason not stated), not as usual “in Domo Capitulari,” but “in vestibulo interiori ecclesiae Cathedralis Ebor.” And they did not sit again in the Chapter House till the 27th March, 1691.

A notice remains of a session of the York Convocation on the 20th May, 1695, the names of those present being entered, and nothing beyond. The forms went on as usual. Thus, in 1708, the Archbishop of York was present, as well as a proctor for the Bishop of Durham. The Dean of York was there, and six other members. It was quite a revival. After this the proclamation for a long time is signed by the two Finches ; that is, by the Hon. Henry Finch, A.M., Dean of York, and the Hon. Edward Finch, A.M., acting for the Chapter.\* This went on till 1722. As late as 1734 we find this entry : " that Convocation wholly rejected the said protestation (*i.e.*, of Durham) as frivolous, trifling, and no ways pertinent to the present business, and decreed the s<sup>d</sup> protestation to be rejected and not to be had or taken as added or admitted." This, curiously enough, seems to have been the last effort of Convocation during this age of sleep.

The Southern Convocation showed more life. In 1709 it urged on the building of new churches " in a remarkable national spasm of religious fervour." It was alive enough to condemn Dr. Clarke's *Scriptural doctrine of the Trinity*, and was also much exercised over Dr. Hoadley's famous sermon in 1718, on which arose the question as to the legal right of Convocation to sit in judgement on books accused of heresy. Whiston's *Historical Preface to Primitive Christianity Revived* had been laid before the House, and it claimed that this jurisdiction had already been exercised by them, and, therefore, might still be used. The opinion of the judges on this matter runs thus : " But this being a matter which upon application for a prohibition on behalf of the persons who

\* In 1714 there stands by itself an interesting entry : " Interim vero (sc. 1 August, 1714) serenissima Domina nostra nuper Regina fatis cessit, et postea nihil actum fuit in hac Convocationis synodo provinciali."

shall be prosecuted, may come in judgement before such of us as have the honour to serve your Majesty in places of Judicature, we desire to be understood to give our present thoughts with a reserve of an entire freedom of altering our opinions in case any records or proceedings which we are now strangers to, shall be laid before us, or any new considerations which have not occurred to us be suggested by the parties or their counsel to convince us of our mistakes." With this reservation they allowed Convocation to continue the prosecution of Mr. Whiston's affair. It is, perhaps, true that the final determination to suppress Convocation was largely caused by the vehement oratory of "golden-tongued" Bishop Atterbury, whose inconvenient eloquence had a sympathetic audience in the Southern Convocation. The last blow to it was Bishop Hoadley's sermon of 1717.

For all this show of activity, no real power was in their hands. We may see from contemporary books how utterly they were already forgotten. Thus, Archbishop Potter, in his *Discourse of Church Government*, 1707, does not even notice the Convocation system, even in his illustrations; and in writing of the making of Canons, which had always in former days been entrusted by the Crown to the Convocations, he avoids all reference to them, and affirms that "this authority is lodged in the bishops." Throughout the eighteenth century the bishops actually discouraged any attempt to breathe life into the sleeping body.

Thus we have seen that since the days of Henry VIII Convocation had steadily been losing power and life. At the Reformation the Houses accepted the home autocracy of the Tudor King, in preference to the distant yoke of the Pope and his Legate in England. Caught between the weakened imperialism of Rome and the



quick-growing national sovereignty, Convocation suffered on all sides, until at last, as Dean Fremantle says, "Convocation became a scene of scandalous controversy, by trying to become an Inquisition." The Northern Convocation lost even the appearance of independence, and became a mere echo of the Southern Houses. These, sitting in London, and being under the presidency of the Archbishop of Canterbury, retained some show of life long after they had ceased to enjoy any real power. An example of this survival may be seen from the following incident of 1728.

In a copy of the *Post-Boy* in 1728 we find the account of an actual meeting of the Southern Convocation, in which a considerable number of members were present, and some practical business, at any rate in speeches, went on. The report is interesting, and is here inserted, in order to show that the Convocations were not so entirely dead and voiceless as is often thought.

"*To the Author of the Post Boy March 28-30, 1728.*

Sir,—The following Speech made on Wednesday the 20th instant, in the Lower House of Convocation, which was well supported, having luckily fallen into my hands, being a copy as near the Original as may be." Then follows the report of the whole speech, addressed to the Prolocutor. It is in the main rhetorical, containing the following passage: "Mr. Prolocutor, 'Tis his Majesty's unquestionable Prerogative, whenever He pleases, to call together the Clergy of his Kingdom, to meet in Synods, National or Provincial. 'Tis as much his acknowledged Right to prescribe to the Clergy, when so called, whether Nationally or Provincially, what they shall treat about, when met together in their respective Houses, As 'tis the High Privilege of the Archbishop and Bishops, with

the Clergy of the whole Province of Canterbury, to be called together at this Time by his Majesty's Grace, *ad tractandum et consentiendum de quibusdam urgentibus Negotiis pacem et tranquillitatem Regni concernentibus, et aliis quae clarius exponentur* : 'tis consequently our duty to do what is necessary to defend the Faith," etc. After this statement there is nothing more of note ; it only shows that the defence of the faith against the vigorous attacks of free thinkers was still the uppermost thought in the minds of Convocation members. This document may have been one of those fictitious foundations on which essays in those days were frequently constructed. In the beginning of the reign of George II, with his philosophy-loving consort, Queen Caroline of Anspach ; in the days, too, of the Whiston case, and the publications of Toland and others, we have many reasons for this sensitive anxiety, which penetrated through, and almost awoke, the slumbering Convocation.

It is difficult to say that Convocation ever ceased to exist. It kept up in both provinces a nominal power of session and discussion. In this time of decadence the temper of Convocation did not improve. In the successive ferments which swept across England, they were irritated by their powerlessness. Thus the Lower House of Canterbury was profoundly disaffected towards William III. The Bill of Comprehension, which that cold, sagacious prince hoped to pass as a means towards peace, was opposed bitterly. The Lower House elected as Prolocutor a firebrand hot from Oxford. "They displayed in everything a factious temper, which held the very name of concession and conciliation in abhorrence ; and their resistance was eminently successful, though it added nothing to their strength." Indeed, it was clear that the rulers of England would not allow Convocation even the

semblance of power. The price of establishment was recognized to be the loss of independence. The fierce wrangling over Whiston and Hoadley hastened the end. It is, perhaps, hard to determine at what date we shall venture to say that the Northern Province ceased to be represented, and the summons to Convocation became a mere form. At York it was earlier than at Canterbury. Perhaps it would be right to say that this took place in the north under James II, while in the south it was not till the days of George I.

Burn, in his *Ecclesiastical Law*, writing in 1763, says that "a Convocation was only called, but did not meet; but in that year and ever since, at the meeting of Parliament, the Convocation of the clergy hath likewise been solemnly opened, and the lower clergy have been permitted to form themselves into a House, and to chuse their prolocutor; nor have they been dismissed so soon as the solemnity was over, but continued from time to time, till the parliament hath broke up or been dissolved."\* "From that time to the present (1852) the Convocations have never received a license from the Crown nor been permitted by the Archbishops to hold more than formal meetings."†

In a letter by Mr. Pyle, a Chaplain of George II, dated 11th January, 1755, we learn what the average man about the Court thought of Convocation in its deadness:—"Three times have the principal divines of the Church of England lately met together, viz., at St. Paul's, at Westminster Abbey, and at Court, for the forming and perfecting of that poor harmless creature of man's invention called the Convocation." And even this small effort at life is sometimes lacking, for in 1777 it is

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\* Burn, *Eccles. Law*, s. v. Convocation.

† Trevor, *Two Convocations*, 75.

recorded as follows:—"5th Sept. 1777, attended to hold a Convocation of prorogation, but found no commissioner to do the needful ; Mr. Cayley, being his time of residence, was absent. Fra. Wright."

There exists a little picture of a dead meeting of the Southern Convocation at a somewhat later date. Unfortunately, there is no such record of a Northern session. The Rev. E. Nares (afterwards Professor of History at Oxford) was elected a Proctor in 1812, and tried to arouse some interest in Convocation. Manners Sutton, then Archbishop of Canterbury, met his advances with a chilling politeness, and declined to present Mr. Nares on his appointment. In spite of this rebuff, Mr. Nares presented himself at St. Paul's, and has left us a sketch of the proceedings. "The whole business appeared to me ill arranged and ill conducted ; nor did I feel that the Lower House of Convocation had its proper share in the transaction even of that day. The only members of the Upper House present were the Archbishop of Canterbury, and the Bishops of London and Sarum. Such of the Lower House as were present were left to find their places as best they could, and not in robes. And on retiring to choose a Prolocutor, scarcely twenty were present, most of them being entirely ignorant of the course of proceeding. The impression left upon my mind was that the Lower House was shorn of all dignity, and its members scarcely distinguished from the lowest attendants upon the Primate and the Bishops."\*

After this long sleep, Convocation was awakened in 1852, when the revived churchmanship of the time, led by Bishop Samuel Wilberforce, appealed to the Govern-

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\* Mr. Nares was with Convocation when presenting an address to William IV, in 1833 ; and again on the accession of Queen Victoria, in 1837.

ment for a licence to sit for the transaction of business. They were supported by the willing hand of Mr. Gladstone, who insisted, in the changed state of things, that in any future system of Convocations the voice of the laity should be heard. "No form of government," says he, "that does not distinctly and fully provide for the expression of the voice of the laity either can be had, or, if it could, would satisfy the needs of the Church of England. But in my own mind (he cautiously adds) I am utterly against all premature, all rapid conclusions."\*

From this revived Convocation, Mr. Morley says that "much was hoped, though little is believed to have come."† This renewed Synod was endowed with certain limited powers. These were mainly (1) an Authority to receive "gravamina," and to consider, discuss, and pass resolutions on such subjects as were brought before the House in consequence of such gravamina. There are, however, no powers given by which effect could be given to such resolutions. (2) Similarly, Convocation can consider and pass judgement on writings published by English Churchmen, and also by others, when they have an heretical look. (3) If the Crown directs, Convocation can frame formularies, or services for special purposes, etc., but these cannot be introduced into the Liturgy without consent of the Crown. (4) Convocation has access to the Throne, and may present addresses or petitions. (5) If so bidden by the Crown, it can frame, amend or abolish Constitutions and Canons.

In all these matters Convocation seems to stand awaiting some movement which will bring to it more active powers and duties; it is ready for any momentous changes which may befall the English Church. It is the

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\* Morley, *Life of Gladstone*, II, 163.

† *Ibid.*, II, 161.



germ of an Ecclesiastical Synod ; and the startling creation of a Lay House of Convocation, an innovation quite unprecedented in the history of these provincial Synods, may in the far future introduce a fresh and healthy element into the constitutional life of the Church.

It is clear, as we have said, that the power of laying taxation was the most potent element in the somewhat barren chronicle of what Convocation has done in the past. It enabled it to advance, parallel with the advance of Parliament. In earlier days the clergy, feeling their powers, and that they were in a way a mild check to autocracy, also grew nearer to their flocks, more English in feeling, less inclined to tolerate any foreign authority. The position of Convocation was a bulwark against ultra-montanism, as it existed centuries before that name for it was invented. At a later time, under the Tudors, Convocation was powerless, if it wished, to resist the swelling tide of national Kingship. It bowed meekly under strong authority. It lost independence, such as it had been. The Northern House was obedient to the King and to the Southern Convocation. And, as we have shown, when it lost its self-taxing powers, no strength remained. Still, it is a comfort to think that in the eighteenth century a suspended Convocation was no misfortune. For the Bishops of the earlier Georges were far from being in harmony with the mass of the clergy. The Crown appointed bishops who were open to new lights, touched with the active philosophy of the age of the English thinkers, from Locke onwards, while the parish clergy clung to the old paths, old-fashioned high Church men, of a Jacobite texture. That these should sit and debate and heat themselves in vain would never have been wholesome. And so the Bishops supported the Crown, in the belief that the less

that was heard of Convocations, the quieter would the Church and country be : it is so easy to rule a voiceless sleeping crowd.

Now, in more tranquil days, comes back the power of speech to Convocation ; and a Church, the pulses of which beat quicker, finds in Convocation an arena for discussion without bloodshed. In friendly expression of differences, with tolerance of many endeavours in religious life and activity, with livelier enthusiasms for the social good of mankind, Convocation can help on the progress of religion ; and if now and then a spark or two of heat is struck out on the anvil of debate, it goes towards life ; it kindles no fires of devastation. The recognition of inevitable differences makes for peace, and Convocation reflects an affectionate toleration, because men are now more willing to discern among the varied notes and cries of earnest men a harmony of hopeful work—of Christian endeavours in the active lives of those who aim only at forwarding the progress of the Gospel of Christ.

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The volume which is now laid before Convocation, in the honoured green robe of the Surtees Society, aims at being a tolerably full chronological record of the proceedings of the Northern Convocation, from the earliest times of the constitutional creation of the body under Edward I down to the days of its long sleep under the Georges.

Many of the documents printed in the book have been carefully copied for us by the Rev. H. D. Hughes, B.A., Minor Canon of Durham, and collated by me with the original papers, at the Record Office, the York Registry, in which the officials have been most kind and patient, and at the Dean and Chapter Registers of York,

at the Canterbury and Carlisle Registries, in the Bodleian Library at Oxford, at the Lambeth Library, as well as in the Cathedral Library at Durham. I owe, also, warm thanks to all who have given me access and willing help ; specially to my kind friend Mr. W. J. Hardy, whose profound knowledge and help is always willingly given to puzzled searchers ; to Mr. H. A. Hudson and the staff of the York Registry ; to Mr. A. N. Bowman, Registrar of Carlisle Cathedral ; and Mr. S. W. Kershaw, Librarian of Lambeth Palace. From these kind friends I have ever found willing help in my somewhat tiresome enquiries.

It only remains for me to refer briefly to the plan of this volume. It contains, between the Introduction and the documents proper, a few "Common Forms," printed once for all ; then comes a Chronological statement of the successive meetings of Convocation, with documents to show the manner of constitutional life in that body, and how it has been affected by important events and movements in the general history of England. At the end of this, which forms the bulk of the work, are a number of Appendices, which, it is hoped, may be of interest in their bearing not only on Convocation itself, but still more on the general history of our Church and country.

A wish has been expressed for lists of the Members at different times. For this materials are wanting. In the first three centuries of the history of Convocation the names are very rarely mentioned ; and I am not aware of a single complete list. After the Reformation there are frequent lists, of which specimens are given. It is unfortunate that we have so few reliable statements as to the numbers and persons of the early Convocations.

Finally, my warmest thanks are due to my friend the Rev. J. T. Fowler, D.C.L., Honorary Canon of

Durham, whose constant sympathy and advice in all my difficulties, and specially for his patient help in reading, and securing the accuracy of my proofs. Also to the Rev. Henry Gee, D.D., Master of University College, and to the Rev. G. H. Godwin, M.A., Lecturer of the University of Durham, for their very kind help in reading my proofs.

May the book be of use. It is in vain to think that it can be very interesting. It offers, happily, no opening for originality.

## APPENDIX.

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REPORT OF THE REV. W. D. MACRAY, M.A., FORMERLY  
ASSISTANT AT THE BODLEIAN LIBRARY, OXFORD.

With regard to the Convocation Records of the Province of York, I beg to submit the following observations :—

I. THE ARCHIEPISCOPAL REGISTERS.—These I have searched from the year 1276 to 1545, and in the subjoined chronological summary have noted all the references to Convocation proceedings which I have found. Most of these are noted briefly in Wilkins' *Concilia*, but not all. If the publication of the proceedings be resolved on, it will, I think, be sufficient in the majority of cases to give under each year the dates and the abstract of the business as noted in this list, adding from comparison with Wilkins anything noted by him which may be thought desirable, which may not seldom be the case. But then there are many other cases in which *entire* documents, or portions of documents, should be printed, collating Wilkins' text, when given by him, with the MS., except where I myself have here supplied the collation. Various documents, however, will have to be wholly copied, as not having been printed by him at all, I have marked all those which specially deserve notice, whether already printed or not, with red ink in the margin. Some of the formal writs and citations are interesting historically from their containing reference to the occasions which caused the demand for a subsidy. At a rough guess I think the extracts would altogether make about 170 to 180 pages, or possibly 200, of ordinary type in octavo, corresponding to the Surtees Society publications.

II. The "Acta" contain but little, and for the period covered by my examination of the *Registers* there is nothing, as they are later in date.

III. And the "bundles" of documents are of later date still, commencing in the seventeenth century.

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The Processes against the Order of the Templars might be omitted except the first, which was in Convocation. But a very interesting and attractive Appendix might be formed by including various miscellaneous documents connected with Church History. The Order of Coronation, and for Burial of a King; Services appointed for certain days, and orders instituting observance of certain festivals; Order forbidding the veneration of Henry VI at York; Certificate concerning a converted Jew in 1318 (in vol. ix). And certain proceedings in cases of sorcery and heresy.

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The "totus clerus" who are summoned to Convocation are not fully defined in a way applicable to modern changed conditions. In writs issued by the Kings for military arrays the "totus clerus" who are to be summoned to provide aid are said to include, with others, "rectores, vicarios, ac ceteros quocunque nomine cen-seantur," and the same words are used in a Convocation citation in 1349 with reference to all ecclesiastical persons whatsoever, both regulars and seculars. But in 1627 the "clerus" are those "qui ab antiquo vocari seu moneri solebant," and in 1640 the Archdeacon of Nottingham certifies that he has cited all who hold any benefice or ecclesiastical promotion. And it seems most probable that the narrower interpretation is that which, without any direct legal authority, has prevailed since the Reformation.



Two cases have been met with of discussion by the Lower House separately. When the Upper House consisted of only the Archbishop and two Bishops (after the see of Candida Casa ceased to belong to the province), and the Archbishop himself frequently acted by commission, it may be presumed that usually the Houses sat together. But in 1426, when in protracted debate the clergy sturdily were refusing a subsidy and pleading that they must go home to gather in their harvest, they were twice *desired* by the Bishop of Durham and his fellow-commissaries to retire “seorsim” for consideration. And twice they *did* retire, but brought back their former answer. The Prolocutor is here first found mentioned, under the name of Referendary, as a customary officer through whom by word of mouth, not by writing, answers were given to the President; a method which, again, would imply that separation, if not customary, was at least sometimes practised. The second instance met with is in 1545, when the Lower House debated “seorsim” upon a subsidy.

With reference to points of form and order, the printing of some writs and citations in different centuries, as specimens, or at least the copying of some in order to ascertain what variations may have been made, is desirable. In the days which I was able to give to the actual examination of the large volumes of Registers from 1276 to 1545, it was not possible to engage in any definite comparison of the kind.

August 17th, 1900.

W. D. MACRAY.



RECORDS  
OF THE  
NORTHERN CONVOCATION.  

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COMMON FORMS.

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I

A KING'S WRIT FOR CONVOCATION.

The form of a Convocation Writ, issued by the Crown and addressed to the Archbishop of York.

Rex, etc., reverendissimo in Christo patri . . . Eboracensi Archiepiscopo, Angliae primati [et apostolicae sedis legato] salutem.

Quibusdam arduis et urgentibus negotiis defensionem et securitatem Ecclesiae Anglicanae ac pacem, tranquillitatem et bonum publicum et defensionem Regni nostri et subditorum nostrorum ejusdem concernentibus, Vobis in fide et dilectione quibus nobis tenemini, rogando mandamus quatenus praemissis debito intuitu attentis et ponderatis, universos et singulos episcopos vestrae Provinciae, ac Decanos et praecentores Ecclesiarum Cathedralium, Abbates, Priores, et alios electivos, exemptos et non exemptos, necnon Archidiaconos, Conventus, Capitula et Collegia, totumque clerum cujuslibet dioeceseos ejusdem provinciae, ad conveniendum coram vobis in Ecclesia Sancti Petri in Eboraco vel alibi, prout melius expedire videritis, cum omni celeritate accommoda, modo debito convocari faciatis, ad tractandum, consentiendum, et concludendum super praemissis et aliis quae sibi clarius proponentur tunc et ibidem ex parte nostra. Et hoc, sicut nos et statum Regni nostri et honorem et utilitatem Ecclesiae praedictae diligitis, nullatenus omittatis. Teste meipso.

## 2

## THE PRAEMUNIENTES CLAUSE. 15 Edw. II.

PRAEMUNIENTES Priorem, &c.—quod iidem Prior et Archidiaconus in propriis personis suis, et dictum Capitulum per unum, idemque clerus per duos Procuratores idoneos plenam et sufficientem potestatem ab ipsis Capitulo et Clero habentes, una vobiscum intersint modis omnibus tunc et ibidem; ad faciendum et consentiendum his quae tunc et ibidem de communi Consilio, favente Deo, ordinari contigerit super negotiis antedictis: et hoc nullatenus omittatis. Teste meipso.

This is the simplest form. The purpose of the summons is sometimes added, as in 23 Edw. I, m. 4, *dorso*: “qualiter sit hujusmodi periculis et excogitatis malitiis obviandum.” This Praemunitio does not occur very frequently in the Northern Summons: when the King knew that the Archbishop understood the manner of sending representatives to Convocation, he thought it no longer necessary to repeat this formula; and therefore this clause, when Convocation was firmly settled on these lines, was omitted.

## 3

THE ARCHBISHOP OF YORK'S WRIT TO HIS OFFICIAL,  
BIDDING HIM SUMMON HIS CLERGY TO CONVOCATION.

[Reg. Joh. Romani, Ebor., f. 5, and Wilkins, *Concilia*, II, 174].

Johannes, etc., Officiali Ebor. salutem. Literas serenissimi principis domini nostri domini Edwardi Dei gratia Regis Angliae illustris, recepimus continentiae infrascriptae: Edwardus, Dei gratia, etc. venerabili in Christo patri J. eadem gratia Archiepiscopo Ebor. Angliae primati salutem. Cum venerabilis pater J. Cantuar. archiepiscopus et ejusdem provinciae clerus totus decimam de anno praesenti nobis liberaliter concesserint subscriptis terminis persolvendam; unam, viz. medietatem

in festo Sancti Michaelis proxime subsequente, paternitatem vestram affectuose requirimus et rogamus, quod nobis, si placet, curialitatem consimilem vel aliam honorabilem et decentem concedere, et vestrae provinciae clerum ad eam nobis similiter concedendam modis quibus melius expedire videritis inducat; et hoc, sicut de vobis confidimus, nullatenus omittatis. Teste meipso apud Kingesclipston (Clipstone in Sherwood) 4<sup>o</sup> die Novembris, anno regni nostri xviii<sup>o</sup>. Devotioni vestrae igitur firmiter injungendo mandamus, quatenus clerum nostrae dioeceseos, scil. archidiaconatum Ebor., Clivelande, Estridinge et Nottingeham, necnon capitulorum Beverlacensis, Suwelliae, Ripon., et praepositurae Beverlacensis, ac spiritualitatum de Alverton et Houeden, citetis peremptorie vel faciatis citari, quod compareant coram nobis in nostra Ebor. ecclesia per procuratores sufficienter instructos in crastino S. Nicolai proximo futuro ad tractandum nobiscum de curialitate domino Regi concedenda et ad faciendum efficaciter super illa quod videbitur communi iudicio tolerandum; nobis super haec ex mandato ad dictum diem et locum certificandum, etc.

## 4

CERTIFICATE OF THE ELECTION OF PROCTORS TO  
CONVOCATION.

Know all men by these Presents that we the Clergy of the Archdeaconry of Durham in the Diocese of Durham by the Assent and Consent of the majority of us Do by these presents name ordain make and constitute our well beloved in Christ the Honorable and Reverend John Grey, Clerk, M.A. Rector of the Rectory and parish Church of Houghton-le-Spring within our said Archdeaconry, Hon. Canon of the Cathedral Church of Durham and Rural Dean, and the Reverend Henry Baker Tristram D.D. one of the major Canons of the said Cathedral Church of Durham within our said Archdeaconry and Rural Dean, our true and lawful Proctors and special

Messengers to expedite and transact the matters and things underwritten and we do give and grant to our said Proctors a general Power and special mandate for us and in our names to appear and be present before the Most Reverend Father in God William by Divine Providence Lord Archbishop of York Primate of England and Metropolitan or his Representative in Convocation of the Prelates and Clergy of the whole Province of York to be begun held and celebrated in the Chapter House within the Cathedral and Metropolitan Church of Saint Peter in York on Wednesday the thirteenth day of January next betwixt the hours of eight and twelve in the forenoon of the same day with continuation and prorogation of days and places (if need require) then and there by virtue of the Writ of our Sovereign Lady the Queen to treat of certain urgent and important affairs relating to and concerning the safety of our Sovereign Lady the Queen, the Security of the Church of England, the defence of Her Kingdom, and the peace tranquillity and public good of Her Subjects, and of such other things as shall then more clearly be expounded on behalf of our said Sovereign Lady the Queen together with the said Most Reverend Father in God or his Representative and others the Prelates and Clergy of his Province of York, and to consent to and conclude upon the same and to give their sound and wholesome advice of and concerning the premises and to consent to such things as shall there seem expedient and to dissent from such things as shall there seem inconvenient, And further to do and receive what the nature and quality of the said Provincial Convocation do or shall require, and we also give and grant to our said Proctors full power and authority for us and in our names to make any protestation useful and necessary to be made in words or in writing and to adhere to and prosecute the same and to substitute any other proctor or proctors in their place and stead and to revoke and retract such substitution or substitutions and reassume the office of Proctors when and so



often as to them shall seem meet and expedient, (excepting always nevertheless and protesting that neither our said Proctors nor any other person for them to be substituted shall have authority to do say or propound by word or in writing (or in any other way) anything which may be hurtful or prejudicial to any liberties, privileges and immunities granted or by ancient laudable and immemorial custom confirmed to us and the Archdeacons (of the Archdeaconry of Durham aforesaid) and generally to do exercise and expedite all and every such matters and things as in and about the premises shall seem requisite or necessary to be done, And we furthermore promise to ratify and confirm all and whatsoever our said Proctors or their substitute or substitutes shall do or cause to be done in the premises or any of them saving to us our Protestation aforesaid (upon pain of forfeiture of all our goods).

In testimony whereof we have hereunto procured the Seal of the Archdeaconry of Durham to be affixed. Dated at Durham the            day of December in the year of our Lord one thousand eight hundred and eighty five.

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Registrar.

## 5

### A RETURN TO A BISHOP FROM HIS ARCHDEACON.

To the Right Reverend Father in God Joseph Barber by Divine Providence Lord Bishop of Durham We your humble and devoted Henry William Watkins D.D. Archdeacon of the Archdeaconry of Durham within your Diocese Send Greeting. Whereas we with due reverence lately received your Letters Mandatory to these presents annexed We do acknowledge ourselves to have been cited by force and virtue of the same and according to the tenor and effect of the same and by virtue thereof we have caused the clergy of our Archdeaconry to be cited to appear before us or some other competent judge

on a certain competent day and place assigned them and the Clergy aforesaid appearing on the said day and at the place the Reverend Henry Baker Tristram, D.D. one of the major Canons of the Cathedral Church of Durham and Rural Dean, the Honorable and Reverend John Grey, Clerk, M.A. Rector of the Rectory and Parish Church of Houghton-le-Spring, Honorary Canon of the said Cathedral Church and Rural Dean, and the Reverend Johnson Baily Clerk M.A. Vicar of the Vicarage and Parish Church of Saint Hilda South Shields, and Rural Dean, were severally and duly proposed as Proctors of the Clergy of the said Archdeaconry. On a show of hands being taken it was declared in favor of the Honorable and Reverend John Grey and the Reverend Johnson Baily whereon a poll was demanded on behalf of the Reverend Henry Baker Tristram. A poll of the Clergy present was then taken and at three o'clock was adjourned by us until the 16th inst. when we announced that it would open at 11 and be closed at 1. Immediately after the poll closed on the day of nomination voting papers were issued by post to each elector who had not recorded his vote. These votes were recorded in the poll books at the adjourned poll. The result of the poll was declared as follows : For the said Honorable and Revd. John Grey 89 votes ; for the said Revd. Hy. Baker Tristram 68 votes and for the Revd. Johnson Baily 66 votes. The said Hon. and Revd. J. Grey and the said Revd. H. B. Tristram were declared duly elected and lawfully appointed by a majority of votes as the Proctors of the Clergy of the said Archdeaconry to appear for them and in their names on the day and at the place and to effect in your said letters mandatory specified ; All which things to you the said Right Reverend Father we make known and certify by these presents Given under the Seal of our Archdeaconry this 19th day of December in the year of our Lord one thousand eight hundred and eighty five.

(signed) Thos. Jones

Registrar.

## 6

THE FORM OF KEEPING RECORDS OF CONVOCATION  
SINCE HENRY VIII'S DAY.[*Acta Convocationis Ebor.*, 1640-1678].

DIE MERCURII 20<sup>o</sup> viz. die mensis Aprilis A.D. 1640 in domo Capitulari infra ecclesiam Cathedralem et Metropolitanam Sancti Petri Ebor. inter horas nonam et undecimam ante meridiem ejusdem diei coram Reverendissimo in Christo patre et domino Domino Richardo \* eadem gratia Ebor. Archiepiscopo Angliae Primati et Metropolitano in praesentia Willelmi Turbutt Armigeri ejusdem Reverendissimi patris Registrarii principalis meique Guilielmi Freer Notarii publici.

*Synodus sive Convocatio provincialis Praelatorum et Cleri totius provinciae Eborum continuatur et prorogatur in hos diem horas et locum, et qui non comparuerunt pronunciantur contumaces, poena eorum reservata in hunc diem.*

Quibus die horis et loco publice praeconizatis trina vice omnibus et singulis personis ecclesiasticis in hac Convocatione istis die horis et loco interesse debentibus aliqui comparuerunt personaliter, alii per procuratores et substitutos suos legitime constitutos, reliqui

vero nullo modo comparuerunt, prout in schedula inde confecta plenius liquet et apparet. Unde dictus dominus Archiepiscopus, rite et licite procedens, pronunciavit omnes et singulos hos qui nullo modo comparuerunt, contumaces et eorum quemlibet contumacem et in poena contumaciarum suarum hujusmodi decrevit procedendum fore in hoc negotio, eorum absentis sive contumacis in aliquo non obstantibus, poenamque contumaciarum suarum hujusmodi usque ad et in diem

\* Richard Neile (Abp. 1632-1640), from a poor boy at Westminster School, came, through favour of the Cecils, to be Bishop of Rochester, Coventry and Lichfield, Durham, and Abp. of York, a man who "never attained to much learning himself, but had tact and business ability, and was generally popular."

Martis quintum viz<sup>t</sup> diem mensis Maii proxime futurum vel alium diem citra, si opus fuerit, istis horis et loco, reservavit. Necnon Convocationem sive Synodum provincialem proximam usque ad et in eundem diem seu aliquem diem citra, si oporteat, istis horis et loco, continuavit et prorogavit. Et monuit omnes et singulos nunc interessentes adhuc rursus comparendum, ad ulterius procedendum in dicta Convocatione sive Synodo, prout natura et qualitas ejusdem de se exigunt et requirunt, prout patet ex tenore schedulae inde per dominum Reverendissimum patrem lectae.

This Convocation, April, 1640, coincided with "The Short Parliament," summoned in consequence of the rupture between England and Scotland, an outbreak known as "the first Bishops' War."

## DOCUMENTS.

## I.

i. Though Convocation cannot rightly be said to have been in existence at so early a date, the following Mandate, issued by Archbishop Wickwan in 1279, gives us a clear expression of the fact of "representation," though in this case it was representation apparently by the choice of Archdeacons, not by the body of the Clergy. The document is here printed as adumbrating the birth of Convocation in the Northern Province : just as Archbishop Kilwardby's mandate in 1277 shows the same in the Southern Province. The phrase below, "*unico ipsius Archidiaconatus Decano*" appears to indicate that there was but one Rural Dean for each Archdeaconry, who had an *ex-officio* position in such synodal action.

CONVENTUS CLERI PRO SUBSIDIO A.D. 1279-80.

[Reg. Wickwan, Ebor., f. 11 *dorso*].

Willelmus permissione divina Ebor. Archiepiscopus etc., dilecto in Christo filio Archidiacono Clyveland, salutem, etc. Quia communi deliberatione nostra et capituli nostri Eboracensis conformiter habita provisum est quod quilibet Archidiaconus pro subsidio Domino Regi faciendo suos subditos convocabit, vota et liberalitates ipsorum super hoc attentis et votivis inductionibus scrutaturus ; ita quod die Veneris proximo ante festum S. Scholasticae Virginis [10 Febr., 1279-80] quilibet Archidiaconus cum duobus dignae eminentiae viris, et unico ipsius archidiaconatus Decano, nobis apud Pontefractum ubi personaliter erimus, Deo dante, responsum pro communitate totius archidiaconatus faciat ; Vobis denunciamus ut modis omnibus in archidiaconatu vestro cum prompta celeritate similiter idem fiat, ita quod ad Pontefractum responsum in forma supradicta super quanto et quantitatis modo plenius habeamus ;

quod nullatenus omittatis. Vale. Datum apud Ebor.  
6 Kal. Januarii, Pontificatus nostri anno primo [27 Dec.,  
1279].

It should be noticed that the great meetings of 1283 were held, for the South at Northampton, to which Parliament was summoned by one writ and the Provincial Synod by another; while in the Northern Province the Bishops and Clergy were called on by one writ, to sit at York, apparently not being regarded as a part of the lay parliament.

## II.

ii. The first document bearing directly on the creation of Convocation is a Royal Writ of Edward I, addressed, not like later documents to the Archbishop of York, but to the whole body of the Clergy of the Northern Province. It was issued from Rhuddlan, a village between St. Asaph's and the sea, where the King had a palace. Here he issued writs for parliaments at Northampton and York, as well as for the so-called Parliament of Acton Burnel. He entrusts to William Wickwan, Archbishop of York (1279-1285), the difficult task of laying and collecting a subsidy for the King's needs in Wales; and with the Archbishop he joins a man destined shortly to become great, Antony Bek, who was then Archdeacon of Durham, and in the next year, 1284, was made Bishop of Durham. He became "the richest and proudest of that place"; Patriarch too he was of Jerusalem (1306), and possessor of the shadowy title of "King of Man." The phrase "ultra Trentam" in this writ shows that the Province of York then included Nottinghamshire. The corresponding writ for the Southern Province is to be found in Bp. Stubbs, *Select Charters*, p. 456.

### A ROYAL WRIT OF EDWARD I (1 JANUARY, 1283).

[From W. Prynne's *Exact . . . Demonstration of our . . . King's supreme ecclesiastical jurisdiction*, vol. III, p. 302].

Rex venerabilibus in Christo patribus episcopis, abbatibus, prioribus, decanis, capitulis ecclesiarum cathedralium et collegiatarum de provincia Ebor., et eorum



procuratoribus, ac toti communitati cleri provinciae ejusdem, militibus, liberis hominibus, communitatibus, et omnibus aliis de singulis comitatibus ultra Trentam apud Ebor. in instantibus octavis S. Hilarii conventuris, salutem. Cum nos occasione praesentis expeditionis nostrae Walliae ad malitiam et rebellionem Wallensium inimicorum nostrorum reprimendam, et ad perpetuam pacem regni nostri faciendam, ad quam toto corde intendimus, subsidio fidelium nostrorum regni nostri opus habeamus ad praesens; nos de benevolentia venerabilis patris W. Ebor. archiepiscopi, Angliae primatis, et de circumspectione dilecti clerici et Secretarii nostri Antonii Beke, archidiaconi Dunelmensis, fiduciam gerentes specialem, eisdem archiepiscopo et Antonio tenore praesentium plenam damus potestatem petendi et procurandi nomine nostro, juxta formam per nos eis inde traditam et injunctam, subsidium ad opus nostrum a fidelibus nostris singulorum episcopatum et comitatum regni nostri ultra Trentam. Et ideo vobis mandamus. rogantes quod eisdem archiepiscopo et Antonio in hac parte firmam fidem adhibentes, ea quae circa praemissa vobis dicent, modis omnibus expleatis, prout ipsi vobis scire facient ex parte nostra. In cujus, &c. Teste rege apud Rothelan 1<sup>o</sup> die Januarii.

## III.

iii. A letter addressed by Archbishop Joh. Romanus (1286-1298) to Ralph Ireton, Bishop of Carlisle (1280-1292), cites a royal writ of Edward I, dated from Samesurium (probably Samois, near Orleans). The King finds that the Southern Province had proved itself liberal, and exhorts the Northern to be the same. This writ is dated 8th August, in the 14th year of his reign (1286). King Edward went to Gascony in that year to endeavour to make peace between Alphonso, King of Aragon, and Philip le Bel; and in this he succeeded by the Treaty of Oléron in 1288.

A LETTER CONVOKING THE PRELATES AND CLERGY  
OF THE PROVINCE OF YORK DATED 6 SEPTEMBER,  
1286.

[Reg. Joh. Romani, Ebor., fol. 3, 99].

Johannes, permissione divina Eboracensis archiepiscopus, Angliae primas, venerabili fratri domino R. eadem gratia Karliolensi episcopo, salutem et fraternae dilectionis sincerum incrementum, &c. Literas serenissimi principis domini nostri, Domini Edwardi, Dei gratia regis Angliae illustris, Domini Hiberniae et Ducis Aquitaniae, nuper recepimus continentiae infrascriptae : Edwardus Dei gratia, etc., venerabili in Christo patri J. eadem gratia Eboracensi archiepiscopo, Angliae primati. Adhuc credimus memoriter vos tenere, quod nos nuper in ultima expeditione nostra Walliae totius regni nostri negotia prosequentes, venerabilem patrem Cantuarensis archiepiscopum et suffraganeos, et clerum totius provinciae suae per nostros nuncios speciales, necnon bonae memoriae Ebor. archiepiscopum, praedecessorem vestrum, et Episcopos Dunelmensem, et Karliolensem, et vestrum et ipsorum clerum per venerabilem patrem Antonium, nuper episcopum, tunc archidiaconum Dunelmensem, duximus requirendos, ut cum ad tantarum onera expensarum, quantas requirebat negotium antedictum nostrae non sufficerent facultates, ipsi, quorum sicut caeterorum regni nostri negotium agebamus, nobis ad supportanda eadem onera liberaliter subvenirent ; et licet vestrae civitatis, dioeceseos et provinciae clerus promississent abundanter quod petivimus se facturos, ipsi tamen hoc facere postmodum non curarunt. Unde contigit, quod clerus Cantuarensis provinciae, qui in promissione inventus fuerat valde durus, in reddendo promissum extitit liberalis ; et clerus vester, qui votis nostris verbaliter annuit prima vice, quod promiserat postmodum implere noluit ullo modo. Quocirca vos rogamus, quatenus habito colloquio cum clero vestro, eundem ad solvendum nobis quod gratis promisit, cum nos id compleverimus, pro quo

promissio facta fuit, modis quibus expedire videritis, inducat. Sicut enim donum a principio gratuitum fore dignoscitur, sic inducit ingratitudinem facta promissio non servata. Teste meipso apud Samesurium 8<sup>o</sup> die Augusti, anno regni nostri 14<sup>o</sup>. Cum itaque tam magnifico principi, qui de antiquis regni hostibus non absque personali sudore, et sumptuum gravitate majorum feliciter per Dei gratiam triumphavit, hilari promptitudine teneatur Ecclesia subvenire, fraternitatem vestram requirimus et hortamur attente, quatenus cum clero vestro tractetis efficaciter de praemissis, quem inducere conemini studiosius, ut domino regi annuat liberaliter in petitis. Expedit equidem, quod regia benevolentia clerum foveat, quae gratissimam se exhibet jugiter erga gratos. Responsum autem cleri vestri, et quicquid feceritis in hac parte, nobis citra festum B. Michaelis prox. rescribatis per vestras literas patentes, quae habeant rerum seriem, etc. Valeat vestra chara fraternitas per tempora prospera et longaeva. Datum apud Alwenton 8<sup>o</sup> idus Sept. pontificatus nostri anno primo.

## IV.

iv. A writ from Archbishop John Romanus, dated 6th October, 1287, citing a royal writ of Edward I, in which representation, or at least delegation, is found. The Archbishop's letter is addressed to Antony Bek, bishop of Durham; with the Archbishop's reply to the King.

[Reg. Joh. Romani, Ebor., f. 99].

Johannes, permissione divina, etc., venerabili fratri domino A[ntonio] eadem gratia Dunelmensi Episcopo, salutem et fraternam in Domino charitatem. Meminimus nos vestram nuper fraternitatem nostris literis excitasse, quod cum clero vestro super mandato regio, quod recipimus, quodque ipsis literis inseri fecimus, et his iteramus, etiam haec verba: Edwardus, Dei gratia, etc. ut supra, usque ibi— anno regni nostri 14. tractaretis efficaciter, ac ipsum induceretis solícite ad annuendum

liberaliter regiae instantiae quod ista, adjecto nihilo-  
minus quod super responso cleri vestri, et his quae  
feceritis in hac parte, nos infra festum beati Michaelis  
prox. quod praeteriit, certificare per vestras patentes  
litteras curaretis ; licet nihil nobis rescripseritis hactenus de  
praemissis. Ut itaque praefatum mandatum regium, quod  
debito affectu complectimur, perfectiori executioni  
mandetur, clerum nostrae civitatis dioeceseos et provinciae  
generaliter convocare decrevimus ad tractandum personali  
industria cum eodem. Quocirca fraternitati vestrae  
firmiter injungendo mandamus, quod vos cum clero vestro,  
per vos vel per procuratores pro vobis et clero vestro  
sufficienter instructos, compareatis coram nobis in nostra  
Ebor. ecclesia die Mercurii prox. post instans festum B.  
Martini, tractaturi nobiscum de praescripto mandato regio  
plenius, et ad faciendum ulterius super illo quod bonum  
communi videbitur iudicio et honestum. De die autem  
receptionis praesentium, et quicquid feceritis in praemissis,  
nobis ad diem constare faciat praedictum per vestras  
patentes litteras, etc. Valeat vestra chara fraternitas in  
Domino Jesu Christo: Datum [apud] Rypon ii<sup>o</sup> non.  
Octobris pont. etc. [1287].

## V.

v. This letter is printed, in order, first, to show the  
process of levying this taxation, and next, because it  
contains references to the varieties of interests involved.  
There were but three dioceses to be taxed, York, Durham,  
and Carlisle. The Archiepiscopal diocese seems to have been  
reluctant to give ; for it quite repudiated any promise  
made in the days of Archbishop John's predecessor (William  
Wickwan) ; and, in truth, there seems to have been doubt  
and confusion over this vote, as is seen in the letter addressed  
to the Bishop of Carlisle (see above, p. 12). Now,  
it certainly has voted a thirtieth—not a liberal subsidy  
at all—to be levied under the "Norwich Taxation." Carlisle  
also was willing to give the same ; but the Arch-  
bishop prudently leaves the Bishop of Durham (Antony  
Bek) to answer for himself. The "taxatio Norvicensis"

requires explanation. This we find in Bartholomew Cotton's *De Episcopatu Norvicensi* (in the *Anglia Sacra*, I, 411). In the days of Bishop Walter Suffield (1245-1257) came an order from Pope Innocent IV, who in 1254 had granted the King, Henry III, a tenth of all ecclesiastical goods and property for three years. Bishop Walter took occasion to send throughout the realm precepts, to the effect that in each diocese the Dean and three trustworthy rectors or vicars should enquire as to these revenues, and certify under oath as to the true and fair values of such ecclesiastical property and income. These returns were by Bishop Walter's care transcribed into public lists or tables, which were from that time used in all levying of taxes from the clergy. And these tables were called the "Taxa (or taxatio) Norvicensis."

[Reg. J. Romani, Ebor., f. 99. Wilkins, *Concilia*, II, 127].

Excellentissimo principi domino suo, domino Edwardo, Dei gratia Regi Angliae illustri, domino Hiberniae, et duci Aquitaniae, suus devotus sacerdos J. permissione ejusdem, etc. salutem, et felicissimis successibus regnum regere et regnare. Celsitudinis regiae literas cum omni reverentia recepimus summarie continentes, quod cum clerus nostrae civitatis, dioeceseos et provinciae vobis dudum ante creationem nostram ad leviores supportationem sumptuum ultimae expeditionis vestrae in Wallia promisisset, sicut profecto decuit, subvenire; nec idem clerus satisfecerit postea de promisso; nos inducere curaremus eundem ad solvendum grata promptitudine quod promisit; convocato igitur solenniter clero nostro, vestrae dominationis beneplacitum exposuimus publice, id proseguendo in clero affectu quo potuimus ampliori. Sed ecce, licet clerus ipse immemor omnino existeret promissionis praedictae, quin potius se nihil certum asseruerit promisisse, ad nostras tamen exhortationes sollicitas clerus nostrae et Karliolensis dioecesium tandem tricesimam suorum proventuum per triennium secundum taxationem Northwicensem vestrae concessit magnificentiae applaudenter; ita quod per locorum



Ordinarios annuatim suis terminis colligatur; et sunt termini in festis nativitatis beati Johannis Baptistae, et natalis Domini de consensu. Quid autem clerus Dunelmensis dioeceseos vobis pro subsidio concesserit, serenitati vestrae exponet personaliter episcopus Dunelmensis. Circa horum promotionem operam impendimus diligentem, regiis praecipue cupientes favere profectibus, qui votivis jugiter pullulent incrementis. Conservet incolumitatem vestram ecclesiae et populo suo altissimus, qui prospero regressu vos reducat ad regnum per singula acceptius expeditos. Datum, etc. [1287].

vi. A Convocation held in York, on a royal writ dated 16th November, 1291, summoned by Archbishop John Romanus.

[Reg. J. Romani, Ebor., f. 5].

[Wilkins, *Concilia*, II, 174].

## VI.

vii. The King's Mandate is printed above on pp. 1, 2. The "Certificate" of Archbishop John is here printed, because it contains two references to the Bishop of Durham, the formidable Antony Bek; the one showing that the Durham diocese had declined to appear on the Archbishop's summons; and the other that the Archbishop had sent him a second summons for the following Wednesday after the Epiphany, 1291.

### CERTIFICATORIUM DOMINO REGI SUPER EADEM.

Serenissimo principi domino suo, domino Edwardo, Dei gratia regi Angliae illustri, domino Hyberniae et duci Aquitaniae, Johannes, permissione ejusdem Eboracensis archiepiscopus, Angliae primas, salutem in eo per quem reges regnant et regna cuncta subsistunt. Ad dominationis vestrae reverentiam convocato ad certos diem et locum provinciae nostrae clero, expositoque eidem clero praesenti, praeter dominum episcopum Dunelmensem ac clerum suum, qui nullo modo comparere nec



mittere curaverunt, Convocationis negotio nobis per vos injuncto, clerus ipse tandem post deliberationem modicam vultu hilari et jocundo vobis concessit liberaliter decimam secundum taxationem Northwicensem suorum ecclesiasticorum proventuum hujus anni solvendum in festis Pentecostes et beati Martini futuris proxime, per aequales portiones; ita quod per locorum Ordinarios colligatur hujusmodi decima et levetur; praefatum autem Dunelmensem episcopum cum suo clero fecimus iterato vocari ad diem Mercurii proximum post festum Epiphaniae Domini in nostra Eboracensi ecclesia, ut ipsos ad praestationem simul decimae cum aliis inducamus. Conservet vos Ecclesiae et populo suo Dominus per tempora prospera et longaeva. Datum apud Thorp vº idus Dec., A. G. MCCXC.

## VII.

viii. A writ of Henry Newark, Archbishop of York, who had been a clerk of Edward I, then Dean of York and Vicar General, for a Convocation to be held at York, in the Octave of St. Andrew's Day, 1297, addressed from Buntingford, in Hertfordshire, to John Halton, Bishop of Carlisle. This writ contains a statement that connects the vote of supplies with the royal promise to behave honestly by the Great Charter, and the Forest Charter. The exhaustion of the North. from Scottish raids. had at this time been very great.

[Reg. Henrici de Newark Ebor., f. 2].

[Wilkins, *Concilia*, II, 235].

H. permissione divina Ebor. electus, venerabili in Christo patri domino J. eadem gratia Carliolensi episcopo, salutem, et sinceræ charitatis continuum incrementum. Cum serenissimus princeps dominus noster rex Angliæ illustris Magnam Cartam de libertatibus, et Cartam etiam de Foresta, ac omnia et singula in eisdem contenta in perpetuum et inviolabiliter observanda, clero et populo Anglicano concesserit pro subsidio ab eisdem habendo; regnumque Angliæ tot et tantis expositum sit periculis circumquaque, et maxime in nostris partibus Borealibus, ut est notum, quod pro defensione ipsius idem dominus

Rex hujusmodi subsidio multum indiget his diebus, ac laici in subsidium sibi gratanter bonorum suorum jam concesserint nonam partem, fuissemusque una cum domino Cantuarensi et aliis regni praelatis ex parte ejusdem domini regis, ut pro nobis et clero nostro commune concederemus subsidium requisiti; quanquam domino Cantuarensi et praelatis aliis visum fuerit, licite posse fieri in hoc casu subsidium et concedi ad evitandum imminens periculum, quod communiter tangit omnes, quod eodem clero nostro facere nolumus inconsulto. Ob quod, unanimi eorundem Cantuarensis et aliorum praelatorum, ac nostro concurrente assensu, provisum extitit, quod cleri provinciae Convocatio fieret utriusque; vobis mandamus, quatenus totum clerum vestrae civitatis et dioeceseos, et tam abbates quam priores exemptos et non exemptos ad certos diem et locum in eadem dioecesi coram vobis faciatis celeriter convocari; duoque de clero procuratores constituentur idonei pro eodem, qui cum plena et sufficiente potestate die Veneris in vigilia beati Andreae apostoli (MCCXCVII) coram nobis vel officiali nostro, seu aliis commissariis nostris, quos duxerimus deputandos in nostra Ebor. ecclesia compareant tempestive, nobiscum, vel cum dicto officiali, aut aliis nostris commissariis, super praefato subsidio tractaturi, et facturi ulterius circa illud quod pro regni defensione et utilitate communi consultius fuerit faciendum: ad quos diem Veneris et locum Ebor. vos ipsi, si poteritis, alioquin per vestrum officialem praesentialiter intersitis; nos, officialem nostrum, seu commissarios antedictos super hujusmodi executione mandati tunc certificantes distincte per vestras patentes literas harum seriem et procuratorum nomina continentes. In prosperitate longaeva altissimus vos conservet. Dat. apud Buntingford 10 kal. Novemb. anno gratiae MCCXCVII.

ix. On the 6th of January, 1308, Archbishop Grenefeld sends a writ to the Prior and Convent of St. Oswald's (Nostell Priory) to collect a fifteenth granted to the King by Convocation.

## VIII.

x. The trial of the Templars took place at York, following a similar trial in the Province of Canterbury, the account of which is contained in sixty-four folio pages of Wilkins' *Concilia* (vol. II, 329-393). Archbishop Grenefeld had three "suffraganei" with him on this great occasion: namely, Antony Bek, of Durham; John Halton, Bishop of Carlisle; and Thomas Dalton, Bishop of Whithorn, or Candida Casa.

The most interesting point which arises out of this long and painful echo of the action of Canterbury is the emergence of William of Ockham, the great Nominalist philosopher of England, the Doctor Invincibilis of the Schools. This trial furnishes us with a fact respecting Ockham which has been missed by his biographers. He was at this time Rector of Langton, near Malton, in York Diocese. Ockham had been an early student at Oxford, where his keen intellect was too much for the University; and when he was ordered "in consequence of troubles among the students" to leave Oxford, he crossed over to Paris, where he taught theology with great renown. He afterwards became Prebendary of Bedford Major in Lincoln Cathedral; he was also Archdeacon of Stow,\* in 1310, 1311; he was also Rector of Langton. This Prebendal stall he was certainly possessed of at this time, for he speaks of his duties of residence in Lincoln Cathedral. There is nothing to tell us whether he, as a Franciscan, and a professed lover of poverty, took any active part in the condemnation of the Templars. The beginning of the affair is seen in the document next following (VIII), a Commission issued by Archbishop Grenefeld for "hearing confessions" of Templars, to see whether they would commit themselves.

<i>Commissio ad audien-</i> <i>dum confessiones Templar-</i> <i>iorum in dioecesi Ebor.</i>	}	Willelmus etc. dominis Henrico de Botelesford Peni- tenciario nostro et Johanni de Hemyngburgh Decano nostro Christianitatis† Ebor., salutem gratiam et benedictionem. De vestra sincera in
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\* Ockham witnesses an appropriation issued by the Bishop of Lincoln in 1310, as Archdeacon of Stow.

† For an account of this official, see Appendix.

Domino devotione plenius confidentes ad audiendum confessiones fratrum Ordinis militiae Templi in nostra dioecesi commorantium, qui vobis sua peccata voluerint confiteri—et ad injungendum eisdem pro commissis penitentiam salutarem—vobis et cuilibet vestrum per se committimus vices nostras, absolutione omnium articulorum seu terminorum haereticam pravitatem qualitercumque sapientium nobis specialiter reservata. Valete. Datum in Cawode kal. Junij (1 June) anno gratiae 1310, et pontificatus nostri v<sup>o</sup>.

## IX.

[Reg. W. Grenefeld, Ebor., f. 179, part 1].

Memorandum quod nos Willielmus, permissione divina Ebor. archiepiscopus, Angliae primas, propter diversa et ardua negotia, statum et reformationem ecclesiarum et ecclesiasticarum personarum nostrae Ebor. dioeceseos et provinciae; ac quaedam alia, quae nobis a sede apostolica demandata fuerant, et quae magnam deliberationem consilium et tractatum requirebant; videlicet inquisitiones faciendas tam contra singulares personas Templariorum, quam Ordinem eorundem, super certis articulis in literis apostolicis nobis et suffraganeis nostris ac aliis certis collegio nobis adjunctis, per praedictam sedem destinatis; quae quidem literae apostolicae, et earum executiones in registro de intrinsecis camerae nostrae, annis pontificatus nostri quarto et quinto registrantur; nostrum concilium provinciale in ecclesia nostra Ebor. vicesimo die mensis Maii, anno Domini mcccx et pontificatus nostri quinto, habita super his deliberatione non modica, jure ordinario, duximus celebrandum. Ad quod venerabiles fratres nostros A[ntonium Bek] Dunelmensem J. [Halton] Carliolensem et Tho. [Dalton] Candidae Casae episcopos, nostrae Ebor. ecclesiae suffraganeos, decanum et capitulum ecclesiae nostrae Ebor. ac caeteros decanos, archidiaconos, praepositos, archipresbyteros, et capitula cathedralium et collegiatarum ecclesiarum, abbates, priores exemptos et

non exemptos ejusdem nostrae dioceseos et provinciae, sub formis et tenoribus infrascriptis fecimus evocari. Willielmus, permissione divina Ebor. archiepiscopus, Angliae primas, venerabili fratri nostro domino A. Dei gratia Dunelmensi episcopo, salutem, et fraternae charitatis in Domino continuum incrementum. Ut omnis status ecclesiasticus, et sacrae regulae diligenter valeant custodiri statutum existit, ut provincialia concilia convocentur, in quibus emergentia negotia discutiantur et debite corrigantur; quae etsi secundum jura fieri debeant omni anno, tunc tamen est praecipue circa ea diligentiori studio laborandum, cum emergerint negotia graviora; praesertim talia, ex quibus in Christi populo enorme scandalum generatur. Sane quantus clamor ascenderit his diebus contra ordinem militiae Templi ipsiusque ordinis singulares personas super haeresi, idololatria, perfidia, et aliis enormibus, jam satis est per mundi climata divulgatum. Pater siquidem sanctissimus dominus Clemens divina providentia Papa quintus, hujusmodi clamore saepius excitatus, a nonnullis fratribus ipsius ordinis, coram se ad iudicium evocatis, super praemissis diligentius inquisivit; quorum multi coram eodem domino Papa, patribusque reverendis dominis Cardinalibus, praedicta flagitiosa crimina sponte judicialiter sunt confessi. Idem quoque dominus Papa super praemissis intendens ulterius procedere, juxta canonicas sanctiones, cum commode nequeat a singulis ordinis supradicti personis inquirere per seipsum, onera sua partiri volens cum aliis praelatis inferioribus, qui in partem sollicitudinis sunt vocati, nobis per apostolica scripta mandavit, ut sub certa forma contra supradictum ordinem, et ipsius singulares personas judicialiter procedamus. Ut igitur tam praedicta, quam alia, quae nostro incumbunt officio, cum consilio saniori plenius exsequi valeamus, disposuimus, Deo duce, vicesimo die mensis Maii, in ecclesia nostra Ebor. provinciale concilium celebrare. Quocirca fraternitati vestrae injungimus et mandamus, quatenus tam in ecclesia vestra, quam in aliis collegiatis ecclesiis, necnon monasteriis conven-



tualibus per totam vestram dioecesim constitutis haec faciatis solenniter publicari. Citamus etiam vos peremptorie, et per vos universos abbates, prioresque abbates proprios non habentes, ac tam ecclesiae vestrae, quam aliarum collegiatarum vestrae dioeceseos decanos, archidiaconos, et praepositos, necnon capitula, quod tam vos, quam praedicti abbates, priores, decani, archidiaconi et praepositi personaliter, capitula vero per procuratores sufficienter instructos, dictis die et loco, cum diebus continuandis et prorogandis, coram nobis compareatis, et compareant, super proponendis in concilio tractaturi, salubre consilium impensuri, necnon ea quae statuta ordinata et facta fuerint humiliter admissuri; ac etiam efficaciter impleturi facturi et recepturi quod consonum fuerit canonicis institutis. Vos etiam praemunimus, et caeteros per vos citandos praemuniri mandamus, quod absentes in termino supradicto, nisi propter evidentes causas et rationabiles, de quibus fidem faciant, legitime fuerint impediti, tamquam inobedientes et contumaces, juxta juris exigentiam puniemus. Qualiter autem hoc nostrum mandatum fueritis executi, nos dictis die et loco distincte et aperte certificare curetis per vestras literas patentes harum seriem continentes. Dat. Londin. xi<sup>o</sup> die Martii, anno gratiae MCCCIX [1310].

## X.

xi. This citation is followed by summons to the Bishops of Carlisle and of Candida Casa, to the Dean and Chapter of York, and to the Archbishop's Official.

MANDATE FOR A PROVINCIAL COUNCIL AT YORK,  
A.D. 1310, ADDRESSED TO BISHOP JOHN HALTON OF  
CARLISLE.

[Reg. Halton, f. 132].

<i>Citatio ad concilium provinciale.</i>	}	Willelmus, permissione divina Ebor- acensis Archiepiscopus, Angliae primas, venerabili fratri nostro J. [Halton] Kar- liolensi episcopo salutem, et fraternae
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caritatis in Domino continuum incrementum. Ut omnis status ecclesiasticus et sacrae regulae diligenter valeant custodiri statutum existit ut Provincialia Concilia convocentur, in quibus emergentia negotia discutiantur et debite corrigantur. Quae etsi secundum jura fieri debeant omni anno, tunc tamen est praecipue circa ea diligentiori studio laborandum, cum emergerint negotia graviora, praesertim talia ex quibus in Christi populo enorme scandalum generatur. Sane quantus clamor ascenderit his diebus contra Ordinem Militiae Templi, ipsiusque ordinis singulares personas, super haeresi, idololatria, perfidia, ac aliis enormibus, jam satis et per mundi climata divulgatum. Pater siquidem sanctissimus Dominus Clemens, divina providentia Papa Quintus hujusmodi clamore saepius excitatus, a nonnullis fratribus ipsius Ordinis coram se ad iudicium evocatis, super praemissis diligentius inquisiverit. Quorum multi coram eodem Domino Papa, fratribusque reverendis dominis Cardinalibus, praedicta flagitiosa crimina sponte judicialiter sunt confessi. Idem quoque Dominus Papa super praemissis intendens ulterius procedere juxta canonicas sanctiones, cum commode nequeat a singulis Ordinis supradicti personis inquirere per seipsum, onera sua partiri volens cum aliis Praelatis inferioribus, qui in partem sollicitudinis sunt vocati, nobis per apostolica scripta mandavit, ut sub certa forma contra supradictum Ordinem et ipsius singulares personas judicialiter procedamus. Ut igitur tam praedicta quam alia quae nostro incumbunt officio, cum consilio saniorum plenius exsequi valeamus, disposuimus, Deo duce, vicesimo die mensis Maii in ecclesia nostra Eboracensi provinciale concilium celebrare. Quocirca fraternitati vestrae injungimus et mandamus, quatenus tam in ecclesiae vestrae quam in aliis collegiatis ecclesiis, necnon et monasteriis conventualibus per totam vestram Dioecesim constitutis, haec faciatis solemniter publicari. Citamus etiam vos peremptorie, et per vos universos Abbates, Prioresque abbates proprios non habentes, ac tam ecclesiae vestrae quam aliarum

collegiatarum vestrae dioeceseos Decanos, Archidiaconos et Praepositos, necnon Capitula, quod tam vos quam praedicti Abbates, Priores, Decani, Archidiaconi, et Praepositi personaliter, Capitula vero per Procuratores sufficienter instructos, dictis die et loco, cum diebus continuandis et prorogandis, coram nobis compareatis et compareant, super proponendis in concilio tractaturi, salubre consilium impensuri, necnon ea quae statuta ordinata et facta fuerint humiliter admissuri, ac etiam efficaciter impleturi, facturi, et recepturi, quod consonum fuerit canonicis institutis. Vos etiam praemunimus, et caeteros per vos citandos praemuniri mandamus, quod absentes in termino supradicto, nisi propter evidentes causas et rationabiles de quibus fidem faciant, legitime fuerint impediti, tanquam inobedientes et contumaces juxta juris exigentiam puniemus. Qualiter autem hoc nostrum Mandatum fueritis executi nos dictis die et loco distincte et aperte certificare curetis per vestras literas patentes harum seriem continentes. Datum apud Laneham 26<sup>o</sup> die Martis, a. g. MCCCX et pontificatus nostri quinto.

# XI.

xii. The Acta of this Provincial Council or Convocation show the respect paid to Bishop Bek, now infirm : also that the public were allowed to be present at some of the proceedings.

## ACTA.

Quo die xx<sup>o</sup> mensis Maii missa de sancto Spiritu solemniter celebrata, postmodumque nobis archiepiscopo Ebor. una cum venerabilibus fratribus nostris Karliolen. et Candidae Casae episcopis, nobiscum pontificalibus indutis ; et archidiaconis Notingham et Clyvelan personaliter, archidiacono vero Ebor. per magistrum Radulphum de Conynggesburgh ; archidiacono Eastriding per Guilielmum Arnaldi de Monte Siccio, procuratorem substitutum Bertrandi de Rupe, procuratoris principalis domini Bertrandi de Fargis, archidiaconi Estridinge praedicti ; et archidiacono Rychemond. per magistrum Johannem de Skyrne, substitutum magistri

Celestini de Verona, procuratoris dicti domini archidiaconi Rychemond, ipsis archidiaconis in partibus transmarinis existentibus ; ac priore Dunelmiae per fratres Reginaldum de Barneby, et Johannem Luterel, dictae domus Dunelmensis confratres et commonachos, procuratores suos legitime constitutos, comparentibus ; et abbatibus, prioribus, archipresbyteris, necnon procuratoribus cathedralium et collegiatarum ecclesiarum nostrarum, et aliis viris ecclesiasticis, in multitudine copiosa in Ecclesia nostra Ebor. consistentibus, venerabilem fratrem nostrum dominum Dunelm. episcopum non comparentem, propter reverentiam patriarchalis dignitatis, quam obtinet, ac etiam propter notoriam invaliditatem corporalem, ad praesens habuimus excusatum. Proposito itaque verbo Dei, articulos in ipso concilio nostro tractandos et expediendos praefato clero nostro exposuimus viva voce. Lectis etiam postmodum quibusdam literis apostolicis super inquisitionibus contra singulares personas Templariorum et ipsorum Ordinem faciendis, ac etiam literis citatoriis et certificatoriis, tam Karliolensis et Candidae Casae episcoporum suffraganeorum nostrorum praedictorum, quam capituli ecclesiae nostrae Ebor. et officialis nostri Ebor. cui eandem citationem in dioecesi nostra praedicta commisimus faciendam ; ipsisque sic citatis, et de mandato nostro praeconizatis, et pro majori parte personaliter et sufficienter comparentibus, quibusdam vero ex eis diversas excusationes et impedimenta per procuratores speciales proponentibus, et illis in quantum legitime erant admissis,—super processu contra non comparentes faciendo usque in crastinum duximus deliberandum ; praefigentes eidem clero nostro eundem diem crastinum, coram nobis in capitulo nostro Ebor. ad proponendum dandum et exhibendum in scriptis articulos et capitula, contingentia statum et correctionem ecclesiarum et ecclesiasticarum personarum, et alia quae in hoc concilio nostro debebunt et poterunt reformari. Quo die crastino in capitulo ecclesiae nostrae Ebor. praefato clero coram nobis comparente, propositis etiam et expositis eidem

clero quibusdam articulis, statum singularium personarum et Ordinem Templariorum ac statum nostrae dioeceseos et provinciae tangentibus, quos propter arduitatem eorum absque majori deliberatione ad plenum non potuimus ad praesens, ut toti videbatur concilio, expedire ; non comparentibus juxta citationem factam contumacibus reputatis, poenaeque eis infligenda nobis specialiter reservata ; aliud provinciale concilium tempore quod competens nobis videbitur, celebrandum, de consensu et voluntate praesentis concilii decrevimus convocandum.\*

The " provinciale concilium " of 20th May, 1310, was prorogued, or perhaps dissolved, and another was called for the 1st July, 1311, as is seen by the document here given, from Bishop Halton's Register.

## XII.

MANDATUM PRO CONCILIO PROVINCIALI EBORACENSI  
(31st May, 1311).

[Reg. Halton, Carl., f. 120].

Willelmus, permissione divina Ebor. Archiepiscopus, Angliae primas, venerabili fratri nostro J[ohanni Halton] Carliolensi episcopo, salutem et fraternae caritatis continuum incrementum. Licet nuper in nostro provinciali concilio, in Capitulo nostrae Ebor. ecclesiae celebrato, vobis et venerabili fratri nostro Dei gratia Candidae Casae episcopo [Thomae Dalton], necnon Abbatibus, Prioribus, Decanis, Archidiaconis, Praepositis, sacraeque Theologiae Doctoribus ac Juris Canonici Professoribus, et dictae Ebor. aliarumque ecclesiarum collegiatarum Capitulis nostrae dioeceseos et provinciae, coram Nobis in dicto Concilio congregatis, et unanimi

\* At the foot of the MS. there is the following note with this direction, "infra ad signum O—||—O":—Postmodum vero habita deliberatione cum concilio nostro pleniori, aliud concilium provinciale in ecclesia nostra beati Petri Eborum ad tractandum, ordinandum, et faciendum ulterius in negotio supradicto, et aliis statum et reformationem ecclesiae nostrae Eborum praedictae contingentibus ix Kal. Junii cum continuatione et prorogatione dierum subsequentium duximus convocandum.

consensu omnium in Concilio dicto tunc existentium, ipsum Concilium ad primum diem mensis Julii duximus prorogandum, ut dicto die in ecclesia conventuali de Blida,\* juxta formam prioris citationis ad praedictum Concilium convocandum habitae, omnes et singuli praedicti nostri subditi comparerent legitime coram Nobis, praefatos diem et locum ad ea quae in eodem Concilio proposita et inchoata fuerant, prout juri consensum fuerit, peragenda, eisdem canonice praefigentes; certis tamen de causis et legitimis praedictam nostram praefixionem, quoad loci praedicti de Blida assignationem, tantummodo duximus immutandum: Quocirca fraternitatem vestram super his praemunientes, tenore praesentium peremptorie nihilominus vos citamus, et per vos universos Abbates, Priores Abbates proprios non habentes, ac tam ecclesiae vestrae quam aliarum collegiatarum vestrae dioeceseos Decanos, Archidiaconos, et Praepositos, necnon Capitula, peremptorie nihilominus citari volumus et mandamus, quod tam vos quam praedicti Abbates, Priores, Decani, Archidiaconi et Praepositi, personaliter, capitula vero per procuratores sufficienter instructos, in praedicta ecclesia nostra Ebor., primo die mensis Julii memorato, cum continuatione et prorogatione dierum subsequentium, coram Nobis compareatis et compareant, tam super negotio inquisitionis haereticae pravitatis contra singulares personas Templariorum Nobis a sede apostolica commisso juxta acta retrohabita in dicto negotio quam aliis prius propositis et noviter in eodem Concilio proponendis tractaturi, salubre consilium impensuri; necnon ea quae statuta ordinata et facta fuerint humiliter admissuri, ac etiam efficaciter impleturi facturi et recepturi quod consonum fuerit canonicis institutis. Vos etiam praemunimus et caeteros per vos citandos, etc. Datum apud Thorpe juxta Ebor., ij<sup>o</sup> Kal. Junii a. g. mcccxi<sup>o</sup> et pontificatus nostri vi<sup>o</sup>.

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\* Blyth in Nottinghamshire, a Benedictine House.



## XIII.

xiii. A memorandum as to the arrangements for this second Concilium Provinciale. It should be noted that while the Summons names 1st June, 1311, as the day of meeting, the paper on the arrangements of this Council states that it met on the 9<sup>o</sup> Kal. Junii (23rd May).

PROCESSUS OBSERVATUS IN SECUNDO CONCILIO PROVINCIALI CELEBRATO IN ECCLESIA EBOR.

Memorandum quod venerabilis pater Dominus Willelmus [Grenefeld] d. g. Ebor. Archiepiscopus, Angliae primas, habito tractatu et deliberatione cum consilio suo pleniori propter diversa et ardua negotia statum et reformationem ecclesiarum dioeceseos et provinciae, ac propter quaedam alia quae eidem venerabili patri et quibusdam aliis collegis suis, super negotio inquisitionis haereticae pravitatis contra Ordinem militiae Templi et singulares personas ejusdem Ordinis a sede apostolica demandata fuerant, et quae magnam deliberationem consilium et tractatum requirebant, suum Concilium Provinciale in ecclesia beati Petri Ebor. ix<sup>o</sup> Kal. Junii A. G. 1311 pontificatus sui vi<sup>o</sup> jure admagis celebravit. Ad quod venerabiles patres Dominus Johannes d. g. Karliolensis et Thomas episcopi praedicti domini Archiepiscopi suffraganei, Magister Willelmus de Pykering, Decanus ecclesiae Ebor.,\* ac caeteri Decani, Archidiaconi, Praepositi, Archipresbyteri,† et capitula cathedralium et collegiatarum ecclesiarum, Abbates, Priores exempti et non exempti, necnon sacrae Theologiae Doctores et juris canonici et civilis Professores dicti Eboracensis dioeceseos et provinciae sub formis et tenoribus infrascriptis fuerant convocati, prout per certificatoria apparebat, quorum tenores tales erant, etc.

\* William of Pickering was elected Dean of York on 14 Sept., 1310. See *Historians of the Church of York*, III, 227, for a most interesting account of this election.

† The introduction of the name Archpriests is probably due to the presence in this assembly of the Dean of Christianity of York, and of other Rural Deans.



## XIV.

THE ACTA OF THE PROVINCIAL COUNCIL HELD FOR  
THE TRIAL OF THE TEMPLARS.

[Reg. Grenefeld, part ii, f. 180].

Venerabili in Christo patri ac domino suo reverendo, Domino Willelmo d. g. Ebor. archiepiscopo, Angliae primati, suus humilis et devotus Officialis Ebor., obedientiam reverentiam et honorem. Mandatum vestrum recepimus tenorem continens infrascriptum: Willelmus permissione divina Archiepiscopus Ebor. Angliae primas, dilecto filio Officiali nostro Ebor., salutem gratiam et benedictionem. Cum sacrorum canonum salubriter atque provide perhibeant instituta, et per metropolitanos singulos in suis provinciis pro discutiendis cum debita maturitate arduis emergentibus negotiis omni anno provincialia concilia celebrentur; eo tamen praecipue tempore vigilantiori studio convenit hujusmodi concilia convocari, cum emergerint gravia et insolita negotia, quae absque plurium peritorum consilio facile nequeunt expediri. Sane dudum ex praemissis causis ad certum diem in nostra Ebor. ecclesia nostrum provinciale concilium fecimus convocari; praesertim pro his, quae circa singulares Templariorum personas in nostra provincia constitutas nobis a sede apostolica commissa fuerant exequenda, haereticam sapientibus pravitatem; quae cum in nostro provinciali concilio fuerint executioni debitae demandata, juxta ejusdem mandati apostolici continentiam et tenorem per nos debent ad generale concilium introduci. Verum, quum ante diem praedicti nostri concilii convocati, certos rumores accepimus de prorogatione generalis concilii usque ad Kal. Octobres proxime jam futuras de consilio et assensu religiosi viri (*sic*) et discreti viri domini dom. abbatis de Lathingniaco (Lagny) et magistri Sicardi de Vauro,\* specialium nunciorum sedis apostolicae in Anglia super negotio Templarios contingente nobiscum tunc praesentium, necnon de communi consensu omnium, qui dicto

\* Canon of Narbonne.

nostro concilio interfuerant, duximus ordinandum, ut ex praemissis causis et aliis revoluti anno faceremus iterato nostrum provinciale concilium convocari. Quocirca vobis firmiter injungimus et mandamus quatenus per totam nostram dioecesim haec faciatis absque morae dispendio solempniter publicari; Citantes nihilominus peremptorie universos abbates, et priores abbates proprios non habentes, exemptos et non exemptos, decanos, archidiaconos, praepositos sacraeque theologiae doctores, ac juris canonici professores, necnon singula capitula collegiatarum ecclesiarum nostrae dioeceseos quod praedicti abbates, priores, decani, archidiaconi, praepositi, doctores, ac professores personaliter, capitula vero per procuratores sufficienter insignitos, in ecclesia nostra Ebor. 9<sup>o</sup> Kal. Junii, quem diem ad celebrandum ibidem concilium nostrum provinciale duximus assignandum, cum continuatione et prorogatione dierum subsequentium, compareatis et compareant coram nobis, super proponendis in concilio tractaturi, salubre consilium impensuri, necnon ea, quae statuta, ordinata, et facta fuerint, humiliter admissuri, ac eadem efficaciter impleturi facturi et recepturi quod consonum fuerit canonicis institutis. Vos etiam praemunimus, et caeteros per vos citandos praemuniri mandamus, quod absentes in termino supradicto nisi propter evidentes causas et rationabiles, de quibus fidem faciant, legitime fuerint impediti, tanquam inobedientes et contumaces juxta juris exigentiam puniemus. Qualiter autem hoc nostrum mandatum fueritis executi, nos dictis die et loco distincte et aperte certificare curetis per literas vestras patentes harum seriem continentes. Valete. Datum apud Wylton 9<sup>o</sup> Kal. Martii, anno gratiae MCCCX (21<sup>o</sup> Febr., 1311), et pontificatus nostri sexto. Cujus auctoritate mandati vestri illud fecimus statim post receptionem ejusdem sine morae dispendio per totam vestram dioecesim solempniter publicari: Citantes et citari facientes nihilominus peremptorie in forma nobis super hoc demandata, universos abbates, et priores abbates proprios non habentes, exemptos et non exemptos,

decanos, archidiaconos, sacraeque theologiae doctores, ac juris canonici professores, necnon singula capitula collegiatarum ecclesiarum vestrae dioeceseos quorum omnium nomina infra seriatim conscribuntur, quod compareant coram vobis ad diem et locum in dicto mandato vestro contentos, cum continuatione et prorogatione dierum subsequen-  
tium, facturi et recepturi quod dicti mandati vestri natura in omni sui parte exigit et requirit: ipsos insuper omnes et singulos fecimus praemuniri, quod absentes in termino supradicto, nisi propter evidentes causas et rationabiles, de quibus fidem faciant, legitime fuerint impediti, tanquam inobedientes et contumaces, juxta juris exigentiam, puniveritis. Et sic mandatum vestrum sumus reverenter, ut decuit, in omnibus executi. Conservet vos Ecclesiae et populo suo Deus per tempora longiora. Datum Ebor. 11<sup>o</sup> Cal. Junii, anno gratiae MCCCXI.

NOMINA CITATORUM ARCHIDIACONATUS EBOR.—dominus archidiaconus Ebor. beatae Mariae Ebor. de Seleby, de Kirkestall, de Salleye, de Rupe, abbates; ac Sanctae Trinitatis Ebor. Sancti Andreae, Sancti Oswaldi, Pontefracti, de Drax, et de Bretona, priores; necnon magister Thomas de Clyfford, doctor in theologia.

ARCHIDIACONATUS ESTRIDING—viz. magister Bertrandus de Fargis, archidiaconus Estriding; Albae Marlie, de Thornton, de Melsa, de Bridlington, de Watton, [abbates] de Wartre, de Kirkham, de Ellerton, priores; necnon magistri Philippus de Beverlaco, rector ecclesiae de Kayngham, et Willelmus de Okham, rector ecclesiae Langletone, in theologia doctores.

IN ARCHIDIACONATU NOTTINGHAM—dominus archidiaconus Notingham; de Roughford, de Wellebek, abbates; de Wyrksop, de Thurgarton, de Shelford, de Lenton, de Novo Loco, de Felleye, de Matherseye, et de Blida, priores; necnon magister Henricus de Maunsfelde, rector ecclesiae de Flintham, doctor in theologia.

ARCHIDIACONATUS RICHMUNDIAE, videlicet, dominus archidiaconus Richmundiae; de Fourneis, de Caldra, de Cokersand, de Jerovallis, de Coverham, Sancti Martini juxta Rychemundie, de Sancta Agatha, de Egleston, abbates; de Bega, de Conniggesheued, de Kertmel, de Lanchester, de Cokerham, Sancti Martini juxta Rychemundie, de Allerton, priores. Prior seu custos dominus Ormesby, et minister Sancti Roberti de Knaresburgh; necnon abbas de Fontibus.

ARCHIDIACONATUS CLYVELANDIAE, dominus archidiaconus Clyvelandiae; de Whiteby, de Ryevalle, de Bella Landa, abbates; de Gysbourn, de Novoburgo, de Maltoun, de Marton, de Graunid, priores; ac magister Johannes Gower, sacrae theologiae doctor, et magister Robertus de Sancthorp, rector ecclesiae de Apleton, juris canonici professor: item magister Nicolaus de Welles, et Nicolaus de Oxonia, juris canonici professores: item dominus praepositus praepositurae Beverlacensis. Item capitula, videlicet, Suthwell, B. Johannis Beverlac., Ryponiae et Houdeniae.

#### CERTIFICATORIUM CAPITULI ECCLESIAE EBOR.

Item venerabili in Christo patri ac domino reverendo, domino Willelmo, Dei gratia Ebor. archiepiscopo, Angliae primati, devoti filii decanus et capitulum ecclesiae vestrae Eboracensis salutem et reverentiam, cum honore in singulis debitam tanto patri. Mandatum vestrum per vos nobis directum reverenter recepimus sub forma continentiae infrascriptae: Willelmus providentia divina Ebor. archiepiscopus, Angliae primas, dilectis filiis . . . decano et capitulo ecclesiae nostrae Ebor. salutem, gratiam, et benedictionem. Cum sacrorum Canonum, etc. ut sit in certificatorio officialis Eboracensis usque ibi convocari. Hujus igitur auctoritate mandati, tam in ecclesia vestra Ebor. quam in aliis locis nostrae jurisdictionis omnia praemissa, quae publicari mandastis, solemniter publicavimus, ac magistros Petrum de Ros, Robertum de Rypelingham, et dominum

Walterum de Bedewinde, vestrae ecclesiae Ebor. prae-centorem, cancellarium, et thesaurarium ; de Notingham et de Clyveland in ecclesia vestra praedicta archidiaconos, ac etiam magistros Robertum de Rypelingham, et Petrum de Insula, ecclesiae vestrae Ebor. canonicos, sacrae theologiae doctorem, et juris canonici professorem, peremptorie citavimus, quod personaliter comparerent coram vobis die loco et tenore in mandato vestro contentis, super proponendis in dicto concilio tractaturi, salubre consilium impensuri, necnon ea, quae statuta ordinata et facta fuerint, humiliter admissuri ; ac etiam efficaciter impleturi facturi, et recepturi quod consonum fuerit canonicis institutis. In hujus rei testimonium sigillum nostrum ad citationes tantum praesenti certificatorio est appensum. Datum in capitulo nostro Ebor. 10<sup>o</sup> Kal. Junii, anno gratiae MCCCXI.

## XV.

Here follow a (1) Certificatorium Officialis Dunelmensis, sede ipsa vacante ; (2) Ditto, for the Bishop of Carlisle ; (3) Ditto, for the Bishop of Candida Casa ; and

## (4) CERTIFICATORIUM WILLIELMI PRIORIS DUNELMENSIS.

This document is much shortened.

Venerabili in Christo patri domino Willielmo, Dei gratia, etc. devotus suus W. prior ecclesiae Dunelmensis salutem, etc. Literas vestrae paternitatis devotae recepimus tenorem qui sequitur continentes : Willielmus permissione divina Ebor. archiepiscopus, etc. Cum sacrorum canonum, etc. Quarum quidem auctoritate literarum fratrem Godfridum de Haxeby, commonachum nostrum, sacrae theologiae doctorem, citavimus in forma nobis superius demandata. In hujus rei testimonium sigillum nostrum praesentibus est appensum. Valete. Datum Dunelmiae festo Ascensionis Dominicae anno domini MCCCXI.



## XVI.

## CERTIFICATORIUM MAGISTRI WILLELMI DE OKHAM.

Reverendo in Christo patri, etc. Willelmus de Okham rector ecclesiae de Langetone, vestrae dioeceseos, subjectionem et obedientiam cum omnimodis reverentia et honore debitis tanto patri. Literas vestras Kal. Martii ultimo praeteritis recepi formam quae sequitur continentes: Willelmus permissione divina, etc. cum sacrorum canonum, etc. . . usque ibidem convocari. Quia etiam peritorum nostrae dioeceseos et provinciae consilio in praemissis tam arduis indigemus, tenore praesentium peremptorie vos citamus, quod ix<sup>o</sup> Kal. Junii in ecclesia nostra Ebor., quem diem ad celebrandum ibidem nostrum provinciale concilium duximus assignandum, etc. Vestris igitur voluntati et beneplacito volens humiliter parere, prout teneor, in ecclesia vestra Ebor. nono Kal. Junii supradicto, quem diem ad celebrandum ibidem vestrum concilium provinciale cum continuatione et prorogatione dierum subsequentium nuper assignastis, personaliter coram vobis, quanquam onera quamplurima mihi ratione residentiae meae in ecclesia Lincolnensi diversimodo incumbentia, a dicta ecclesia commode absque gravi dispendio me non sinunt abesse, vita et sanitate comitibus, domino concedente, intendo comparere; facturus in dicto concilio impleturusque quod, prout mihi possibile erit, in omnibus, juxta mandati vestri exigentiam et tenorem, et recepturus quod consonum fuerit canonicis institutis; quod vestrae paternitati reverendae, quam ad regimen ecclesiae suae sanctae per tempora successiva conservet altissimus, continuo per praesentes. Datum Lincolniae 14<sup>o</sup> Kal. Maii, anno Domini MCCCXI.

Memorandum quod consimiles literae directae fuerunt magistris Henrico de Maunsfeld rectori ecclesiae de Flintham,\* ac cancellario Oxoniae, Philippo de Beverlaco rectori ecclesiae de Kayngham†; item Thomae de Clyfford, sacrae theologiae doctoribus.

\* In Nottinghamshire.

† Scrayingham, in Yorkshire.



Item consimiles literae directae fuerunt magistris Thomae de Middleton, fratri de ordine praedicatorum Ebor., item fratri Adae de Lincoln de ordine minorum Ebor., item fratri Ricardo de Wetewang, de ordine Sancti Augustini de Ebor., qui omnes comparuerunt personaliter in dicto concilio, secundum formam citationum eis factam.

## XVII.

## ACTA CONCILII PROVINCIALIS.

*Acta  
primi  
diei.* } Quo die, videlicet nono die Junii praedicto,  
domino archiepiscopo Ebor. una cum dictis  
suffraganeis suis pontificalibus indutis et in  
dicta Ebor. ecclesia in sede archiepiscopali sedentibus,  
necnon . . . abbatibus Beatae Mariae Ebor. et de Seleby,  
cum mitris in capite, ac aliis prioribus, archipresbyteris  
exemptis et non exemptis, ad idem concilium evocatis,  
vestibus sacerdotalibus similiter indutis; domino Richardo  
de Kellawe, electo ecclesiae Dunelmensis confirmato, per  
fratrem Galfridum de Haxeby, monachum monasterii  
Dunelmensis sacrae theologiae doctorem, procuratorem  
suum, Decano Ecclesiae Ebor. et Archidiacono  
Clyveland personaliter; Archidiacono Ebor. per domi-  
num Willelmum de Cusannce, procuratorem suum;  
Archidiacono Notinghamiae, per magistrum Richardum  
de Ermyn procuratorem suum; Archidiacono Estridinge  
per Willelmum Arnald de Monte Sicco, substitutum  
Bertrandi de Rupe, procuratores principales dicti Archi-  
diaconi; Archidiacono Rychemunde per magistrum  
Franciscum de Luco, vicarium generalem ejusdem  
Archidiaconi; thesaurario ecclesiae Ebor. per Johannem de  
Brabes, procuratorem suum; praeposito Beverlacensi per  
magistrum Radulphum de Anlagby, procuratorem suum;  
Archidiacono Northumbriae personaliter; Archidiacono  
Dunelmensi per magistrum Thomam de Hoo, procura-  
torem suum specialiter constitutum; magistro Thoma de  
Clyfford, sacrae theologiae doctore; Decano de Aukland,

magistro Willelmo de Marclan, juris canonici professore ; Decano Cestriac ac Decano Lanchester, Dunelmensis dioeceseos, et Archidiacono Carliolensi personaliter ; necnon procuratoribus cathedralium et collegiatarum ecclesiarum Ebor. dioeceseos et provinciae ; et aliis viris ecclesiasticis in multitudine copiosa in ecclesia Ebor. praedicta, juxta formam vocationis comparentibus. Inprimis missam de Sancto Spiritu solemniter audierunt ; qua finita, idem dominus Archiepiscopus statim pontificalibus, ut prius, indutus, accessit ad majus altare et, facto silentio, proposuit verbum Dei, et postmodum articulos in ipso concilio tractandos et expediendos praedicto clero exposuit viva voce. Lectis postea certificatoriis super vocatione praedicta ; primo videlicet . . . Officialis Ebor. cui eandem citationem in Ebor. dioecesi commisit faciendam ; et officialis Dunelmensis sede Dunelmiae vacante ; et domini Carliolensis episcopi et capituli ecclesiae Ebor., ipsisque citatis, de mandato dicti patris praeconizatis, ac pro majori parte personaliter et sufficienter comparentibus, quibusdam vero ex eis diversas excusationes et impedimenta per procuratores speciales proponentibus, et illis in quantum legitima erant admissis ; lecta etiam quadam bulla sanctissimi in Christo patris ac domini nostri domini Clementis, divina providentia Papae quinti, super concilio generali primo eidem domino Archiepiscopo missa ; et alia bulla super prorogatione ejusdem concilii usque ad certum terminum in eadem diffinitum ; et bulla apostolica super inquisitionibus factis contra singulares personas Templariorum publice lecta ; expositis etiam quibusdam rationibus et motivis negotium dictorum Templariorum tangentibus in concilio memorato ; proposita insuper per eundem patrem toti clero, tunc ibidem praesenti, petitione domini regis Angliae illustris super quodam subsidio sibi pro guerra sua Scotiae concedendo ; super quo idem clerus totius Ebor. dioeceseos et provinciae ad diem hujus concilii ea occasione extitit convocatus, prout per certa certificatoria plenius

apparebat, et in dicto concilio coram ipsis extitit recitatum, idem pater injunxit publice et expresse praedicto clero, quod procuratores idoneos ad praefatum generale concilium mitterent, juxta formam et tenorem bullae praelibatae. Quibus sic peractis, praefatus venerabilis pater praefixit eidem clero, et omnibus ad dictum concilium vocatis, diem crastinum coram eodem in capitulo ecclesiae Ebor. ad proponendum dandum et exhibendum in scriptis articulos et capitula contingentia statum et correctionem ecclesiarum et ecclesiasticarum personarum dictae provinciae; necnon deliberationem suam voluntatem et responsionem super dicto subsidio per praedictum dominum regem petito; et ad alia pertractanda, quae in eodem concilio tam circa negotium Templariorum, quam caetera communem utilitatem tangentia fuerint deducenda.

<p><i>Acta secundi diei.</i></p>	}	<p>Quo die crastino, in capitulo ecclesiae praedictae, coram dicto venerabili patre domino Willelmo archiepiscopo supradicto, pro tribunali sedente, et praefatis Carliolensi et Candidae Casae episcopis, ac abbatibus, prioribus, et caeteris praelatis, ut supra, eidem assidentibus; lectoque certificatorio decani Christianitatis Ebor. super citatione facta omnibus Templariis in civitate et dioecesi Ebor. ubilibet existentibus, quod eodem die compareant personaliter coram eodem patre in capitulo memorato, ad videndum et audiendum publicationem attestationum in negotio inquisitionis haereticae pravitatis contra eosdem factae, per eundem patrem et caeteros collegas suos habitarum, ulteriusque faciendum et recipiendum, cum continuatione et prorogatione dierum subsequentium, quod ipsius negotii qualitas exigit et natura. Ipsisque Templariis ibidem vocatis nominatim et juxta formam vocationis hujus personaliter comparentibus, dictas attestaciones tam contra singulares personas Templariorum praedictorum, quam ordinem eorundem factas solemniter publicari fecit; et articulos super quibus dictae singulares personae examinatae fuerant, in</p>
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bullæ apostolica contentos, fecit legi, et toti populo in lingua materna exponi; ac attestationes septem personarum eorundem Templariorum primo examinatarum in lingua materna publice exponi fecit, cleri et populi multitudine assistente; reliquas autem attestationes et depositiones pro lectis et publicatis habuit de communi consilio totius provincialis concilii. Traditaque ipsis Templariis copia vera earundem attestationum omnium et singularium tam contra singulares personas, quam contra ordinem habitarum, præfixit idem pater eisdem Templariis diem Jovis proxime sequentem pro termino præciso et peremptorio ad proponendum et ostendendum quicquid habuerint pro se in eodem negotio proponendum citra dictum diem Jovis, et eodem die Jovis plenarie continuato. Assignando insuper eisdem Templariis diem Veneris proxime sequentem in capitulo supradicto ad audiendam sententiam diffinitivam seu pronunciationem, si liqueat, in negotio antedicto, eundem diem Jovis toti concilio judicialiter assignando, propositis incontinenti coram eodem patre una cedula in Gallico concepta ex parte ipsorum Templariorum, necnon quadam bulla papali, ordinem et observantias ipsorum tangente; et ipsis cedula et bulla perlectis, iidem Templarii et caeteri laici et clerici, ad concilium non vocati, continuo recesserunt. Postmodum vero, habita deliberatione et tractatu cum prædictis episcopis, et aliis praelatis et clericis tunc ibidem existentibus, super negotio memorato; idem pater de communi consilio omnium deputavit certas personas, sacrae theologiae doctores ac juris canonici professores, ad deliberandum super quibusdam dubiis, quae in præfato inquisitionis negotio resultabant, et dicto die Jovis eidem patri suam deliberationem plenius referendum, ut ulterius fieri possit in eodem, quod toti concilio videbitur consultius faciendum.

*Acta* } Quo die Jovis in capitulo prædicto, dicto  
*tertii* } domino archiepiscopo et episcopis, abbatibus, priori-  
*diei.* } bus, doctoribus, et professoribus prædictis, et toto

clero ejusdem dioeceseos et provinciae, clericis et laicis in multitudine copiosa, ac Templariis ipsis existentibus, recitatis actis ultimi diei, petitoque publice ab eisdem Templariis, an aliqua haberent proponenda ostendenda seu exhibenda pro seipsis in negotio memorato; et propositis incontinenter per ipsos Templarios quadam petitione in Gallico, et duabus bullis, una Innocentii quarti et alia Anastasii tertii; quibus publice lectis, eosdem Templarios fecit idem venerabilis pater interrogari singillatim, an omnes ibi tunc praesentes habuerint firma et rata, quae in dicta cedula continebantur; qui expresse dixerunt, quod sic. Tandem idem pater de communi consensu dicti concilii ipsos Templarios, et omnes alios clericos et laicos, qui ad illud concilium vocati non fuerunt, dictum capitulum exire fecit, ut de ipsorum Templariorum negotio plenius tractaretur; habitoque communi tractatu super eodem, videbatur eidem patri et toti concilio, quod ipsi Templarii essent iterato super quibusdam responsionibus suis prius factis, tam in examinatione contra singulares personas, quam contra ordinem Templariorum praedictorum singillatim ponendum ad rationem Utrum inprimis responsionibus stare vellent necne? Ipsos singillatim coram ipso, et dicto concilio fecit adduci, et suas responsiones eisdem, et cuilibet eorum, prout scripta erant, in lingua materna exponi; et dictas eorundem justificationes et intelligentias per notarios publicos redigi in scripturam. Et his factis, praefixit eisdem Templariis diem crastinum, videlicet diem Veneris proximum ante festum Pentecostes, coram ipso et toto suo concilio provinciali in dicto capitulo ad audiendum pronuntiationem finalem, si liqueat, in negotio memorato; eosdem diem et locum praedicto concilio coram ipso patre judicialiter assignando.

*Acta* } Quo die Veneris in praefato capitulo, dicto  
*quarti* } domino archiepiscopo, et episcopis praedictis, ac  
*dici.* } abbatibus, prioribus, doctoribus, et professoribus,  
 et aliis in multitudine copiosa existentibus, — Quia super dicto negotio Templariorum ad plenum non deliberaverant,



videbatur eidem patri, et toti concilio suo, quod expediret dictam pronunciationem usque in aliud tempus magis diffusum prorogare. Unde idem dominus archiepiscopus ex communi consensu omnium in dicto concilio existentium, praesentibus Templariis supradictis, dictum diem Veneris et ipsum provinciale concilium prorogavit usque in primum diem mensis Julii in ecclesia conventuali de Blida; et eundem diem eisdem Templariis coram eodem patre loco praedicto assignavit ad audiendum pronunciationem, sicut prius in negotio antedicto. Praefigentes praedicto clero ejusdem concilii tunc praesenti, quod omnes episcopi, decani, archidiaconi, praepositi, archipresbyteri, abbates, et priores, qui poterunt, omni frivola excusatione amota, personaliter, capitula vero per procuratores idoneos, et ad hoc sufficientem potestatem habentes, compareant coram eodem patre in ecclesia conventuali de Blida supradicta, ad tractandum et faciendum tam super dicto negotio Templariorum, quam super aliis prius propositis; et nominatim in eodem concilio proponendum, quod communi deliberatione concilii juxta juris exigentiam videbitur faciendum. Postmodum autem certis et legitimis de causis idem venerabilis frater prorogationem ejusdem concilii, quoad assignationem dicti loco de Blida, mutavit, et suum concilium fecit, ut prius, ad praedictum primum diem mensis Julii in ecclesia sua beati Petri Ebor. per suas literas citatorias convocari.

*Acta  
quinti  
dici.* } Quo die primo mensis Julii, anno et indictione  
praedictis, in praesentia nostrorum notariorum  
praedictorum, ac testium subscriptorum, et  
aliorum in multitudine copiosa in capitulo beati Petri  
Ebor., venerabilis pater dominus Archiepiscopus supra-  
dictus ad praefatum provinciale concilium, ut praedicitur,  
prorogatum ibidem celebrandum sedens pro tribunali  
praedictam loci assignationem in ecclesia conventuali  
de Blida, certis et legitimis de causis, ut ibidem  
dominus archiepiscopus expresse asseruit, tantummodo  
immutata, venerabilibus patribus dominis Richardo



Dunelmensi, Thoma Candidae Casae episcopis, ipsius domini archiepiscopi et ecclesiae Ebor. suffraganeis, decanis ipsius ecclesiae Ebor., et ecclesiarum prae-bendalium de Aukland, de Lancestre, archidiacono Clyvelandiae cancellario ecclesiae Ebor. S. T. D.; abbatibus beatae Mariae Ebor. de Kirkstalle, de Rupe, de Rievall, de Roughford, de Melsa, de Fontibus, de Furneys, de Calder, de Cokersand, de Jerovall, de Coverham, de Sancta Agatha, de Egleston, et de Novo Monasterio; prioribus insuper Sanctae Trinitatis Ebor. Sancti Andreae Ebor., Sancti Oswaldi de Pontefracto, de Drax, de Bretona, de Gyseburna, de Novo Burgo, de Malton, de Marton, de Grounid, de Thurgarton, de Felleye, de Matherseye, de Blida, de Bridelington, de Kirkham, de Wartre, et de Ellerton; doctoribus etiam in theologia, magistris Thoma de Clyfford, Johanne Gower, Philippo de Beverlaco, fratribus Galfrido de Haxeby, monacho ecclesiae Dunelmensis, abbate de Ryevall, Adam de Lincoln de Ordine Minorum, Thoma de Pontefracto ejusdem ordinis, Richardo de Wetewange, de Ordine Sancti Augustini, et Thoma de Middleton, de Ordine Praedicatorum; et juris canonici professoribus magistris Nicolao de Oxon., Ricardo de Cestria, et Roberto de Sancthorp, ac aliis jurisperitis; in multitudine ibidem personaliter existentibus abbatibus, prioribus, decanis, archidiaconis, praepositis, custodibus, ministris, capitulis ecclesiarum tam cathedralium quam collegiatarum, et spiritualitatibus praedictae Ebor. dioeceseos per procuratores legitime constitutos, praesentibus, publice proposuit verbum Dei; cujus thema fuit: "Multitudinis credentium erat cor unum et anima una." Quo sermone finito, lecta fuerunt quaedam certificatoria, unum scilicet primo officialis curiae Ebor., aliud domini Dunelmensis Episcopi, et domini Karliolensis Episcopi, et quartum Capituli Ebor. ecclesiae, sigillis pendentibus signata, super vocationibus cleri ad dictum provinciale concilium de mandato dicti domini archiepiscopi facta; vocatisque postmodum praelatis, et caeteris ecclesiarum personis in dictis certifica-

toriis contentis, et eis, ut praemittitur, comparentibus ; lecto insuper quodam certificatorio, sigillo Christianitatis Ebor. pendente signato, super quadem citatione facta fratribus ordinis militiae Templi viginti quattuor numero in castro Ebor. existentibus, tenoris infrascripti venerabilis, etc. “ Prout in processu notato ” Quibus fratribus praeconizatis, et ipsis omnibus personaliter comparentibus, amoti fuerunt ipsi Templarii, et caeteri clerici et laici ad dictum concilium non vocati, a loco dicti capituli ; habitaque postea disputatione, et altercatione continua inter praefatos doctores, professores, et alios praelatos supradictos, super rationibus et motivis negotium dictorum Templariorum et ipsos Templarios tangentibus ; ipsisque postmodum Templariis vocatis et comparentibus, praefixit idem dominus archiepiscopus, cum consensu dicti sui concilii, eisdem Templariis diem crastinum ad idem, quod prius, et loco praedicto.

*Acta  
sexti  
dici.* } Quo die crastino, scilicet 2<sup>o</sup> die mensis Julii praedicti, coram dicto domino archiepiscopo ecclesiae Ebor. pro tribunali sedente, praefatis dominis Dunelmensi [et] Candidae Casae, episcopis, ac aliis praelatis et clericis supradictis sibi assidentibus, praefati Templarii ut supra comparuerunt. Quibus Templariis et caeteris clericis et laicis ad dictum concilium non vocatis a loco dicti capituli amotis, ut de negotio dictorum Templariorum plenius tractaretur, habitoque tractatu per ipsum concilium super negotio memorato, de communi consensu omnium ibidem existentium, deputavit idem archiepiscopus certas personas, Sanctae Theologiae doctores, et juris canonici professores, ac alias discretas ac literatas personas ad tractandum et plenius deliberandum super praefato inquisitionis negotio ; et eidem domino archiepiscopo die Lunae proxime sequente in eodem capitulo referendum ; et ad ulterius faciendum in dicto negotio, quod toti concilio videretur consultius faciendum. Praedictis Templariis iterato vocatis, et comparentibus, praefatus dominus archiepiscopus assignavit eisdem diem et locum ad sententiam diffinitivam

sive pronunciationem audiendam in negotio antedicto ; et toti clero ibidem esistenti, eosdem diem et locum ad interessendum judicialiter assignando.

*Acta septimi diei.* } Quo die Lunae, scilicet quinto die mensis Julii anno supradicto, coram praefato domino archiepiscopo in capitulo ecclesiae Ebor. praedicto pro tribunali sedente, praefatis dominis Dunelmensi et Candidae Casae episcopis, ac aliis praelatis et Sanctae Theologiae doctoribus, et juris canonici professoribus, et aliis clericis et procuratoribus supradictis sibi assidentibus, propositis et exhibitis in scriptis per quasdam certas personas superius deputatas quibusdam rationibus et motivis, et eis auditis et intellectis, habitaque disputatione et discussione super eisdem ; propter variationes rationum, et dubitationes per supradictas personas, ut praedicitur, deputatas in dicto concilio, propositarum et exhibitarum, idem dominus archiepiscopus de communi consensu omnium in dicto concilio existentium deputavit certas personas, sacrae theologiae doctores, juris canonici professores, et alias discretas personas, ad relationem summo pontifici faciendam, et ordinandam in negotio antedicto, et ipsam die Sabbati proxime sequente in capitulo Ebor. praedicto publicandam. Ad quam relationem audiendam, idem venerabilis pater praedictis Templariis tunc personaliter ibidem constitutis dictum diem et locum praefixit ; et ad dicendum, quantum juris ratio permetteret, contra eandem, si voluerint, et viderint expedire ; eundem insuper diem et locum toti clero ad dictum provinciale concilium vocato, et ibidem esistenti, ad interessendum per se vel per procuratores idoneos judicialiter assignando.

*Acta octavi diei.* } Quo die Sabbati, scilicet decimo die mensis Julii praedicto, adveniente coram discreto viro magistro Roberto de Pickering, canonico ecclesiae beati Petri Ebor. praefati domini Eboracensis archiepiscopi ad infrascripta commissario speciali, prout per inspectionem commissionis suae, tunc ibidem publice

lectae, apparuit evidenter ; domino decano ecclesiae Ebor. abbatibus, prioribus, sacraeque theologiae doctoribus, et aliis discretis, et exemptis personis dioeceseos et provinciae Ebor. personaliter, procuratoribus etiam dominorum Dunelmensium et Carliolensium et Candidae Casae episcoporum, ac quorundam aliorum praelatorum tunc absentium, ibidem existentibus in capitulo ecclesiae Ebor. praedicto, praedicti Templarii personaliter comparuerunt. Tenor vero commissionis, de qua superius fit mentio, talis est : Will. etc. Qua commissione publice perlecta praefati Templarii etc. laici et clerici ad dictum concilium non vocati, a loco dicti capituli fuerunt amoti, ut de ipsorum Templariorum negotio plenius tractaretur. Habitoque tractatu per ipsum concilium super negotio memorato, magister Robertus de Pickering, commissarius supradictus, de communi expresso consensu omnium et singulorum tunc in dicto concilio existentium, idem concilium prorogavit et continuavit usque in diem Mercurii proximum post festum beati Jacobi Apostoli proxime futurum ; toto clero tunc ibidem existente, ac etiam absentibus in personis procuratorum suorum ibidem praesentium, eundem diem Mercurii ad interessendum personaliter in eodem capitulo, ad tractandum, deliberandum, et faciendum in dicto inquisitionis negotio quod toti concilio videbitur consultius faciendum, praefigendo ; praefatisque Templariis eundem diem et locum ad audiendum recipiendum et faciendum quod natura ipsius negotii exigit et requirit, judicialiter assignando.

*Acta noni dici.* } Quo die Mercurii, scilicet 28<sup>o</sup> die mensis Julii praedicti, adveniente coram magistro Roberto de Pickering, commissario, ut praemittitur, supradicto, venerabili patre domino Thoma, Candidae Casae episcopo, dominis Decano ecclesiae Ebor., archidiacono Clyveland, cancellario ecclesiae Ebor., abbatibus insuper Sanctae Mariae Ebor., de Seleby, de Kirkestall, de Rupe, de Melsa, de Jerovall, de Coverham, de Egleston, de Ryevall, de Bella Landa, necnon prioribus Sanctae Trini-

tatis Ebor. Sancti Andreae Ebor., Sancti Oswaldi de Pontefracto, de Drax, de Brettone, de Bridelington, de Warton, de Wartre, de Kirkham, de Ellerton, de Novo Burgo, de Maltone, et de Martone, personaliter existentibus, venerabilibusque patribus dominis Dunelmensi et Karliolensi Episcopis, Archidiaconis Eborum, Estridinge et Notingheham, Abbatibus insuper de Salley, Albac Marlie, de Whiteby, de Rugford, de Wellebeck, de Cokersand, et de Sancta Agatha, . . . Prioribus insuper de Thurgaston, de Shelford, de Lentona, de Novo Burgo, de Matherseye, de Langcastre, de Gyseburn, ac capitulis ecclesiarum Eborum, Suwelliae, . . . de Houden et de Rypon per procuratores literatorie constitutos personaliter, ac aliis assidentibus et plurimis aliis per procuratores literatorie constitutos praesentibus, ac aliis assistentibus in multitudo copiosa; lectum fuit quoddam certificatorium, sigillo commissarii generalis domini officialis curiae Ebor. praedictae signatum, super vocatione cleri ad dictum provinciale concilium prorogatum facta, tenorem continens infra-scriptum: Viro venerabili, etc. Quo certificatorio publice perlecto, praefatisque Templariis ibidem personaliter constitutis, praedictis episcopis et aliis praelatis, et personis ecclesiasticis ac capitulis vocatis nominatim, et, ut supra, comparentibus, idem Robertus commissarius supradictus dictum provinciale concilium usque in diem crastinum ad interessendum in eodem capitulo, ac faciendum idem, quod prius, judicialiter assignando; absentes usque in diem crastinum expectando.

*Acta  
decimi  
diei.* } Quo die crastino, scilicet 29<sup>o</sup> die mensis  
Julii praedicto, coram praefato magistro  
Roberto commissario, et domino episcopo  
Candidae Casae ac praelatis et personis ecclesiasticis  
in dicto ecclesiae Ebor. Capitulo pro tribunali sedenti-  
bus, aliisque, tam clericis quam laicis in multitudo  
existentibus, praefati Templarii 24 numero; videlicet  
frater Willelmus de Grafton, etc. personaliter com-  
paruerunt; et fatebantur et expresse recognoverunt



omnes et singuli in iudicio, et quilibet eorum fatebatur pro se sponte et expresse recognovit, se super articulis in Bulla papali contentis vehementer esse diffamatos, et de eisdem articulis non posse se purgare; petieruntque et quilibet eorum pro se petiit humiliter, genibus flexis, statum ecclesiae sibi concedi; asserentes, se paratos esse ordinationi ecclesiae in omnibus stare super praemissis. Jurabit postmodum quilibet dictorum Templariorum per se nominatim et expresse de mandato ecclesiae, tactis sacrosanctis Evangeliiis, in lingua materna sub hac forma: "Ego talis detestor et abjuro ad haec sancta quatuor evangelia omnes haereses, et praecipue illas in bulla papali contentas, de quibus diffamatus sum; et promitto de caetero observare fidem catholicam et orthodoxam, quam tenet docet et praedicat Sancta Romana Ecclesia. Sic Deus me adjuvet, et haec sancta Dei Evangelia." Qui Templarii, ut praemittitur, jurati, statim ad hostium australe dictae Ebor. ecclesiae accesserunt, juramento praestito ab eisdem omnibus et singulis de parendo mandatis ecclesiae; ipsosque Templarios omnes et singulos, flexis genibus depositis terris (?) tunc ibidem sedentes et beneficium absolutionis humiliter petentes, venerabilis pater dominus Thomas de Candida Casa episcopus pontificalibus indutus, dominis decano et cancellario ecclesiae Ebor. ac archidiacono Clyveland, et abbate Sanctae Mariae Ebor. vestibus sacerdotalibus indutis, secum astantibus, ab omnibus haeresibus in bulla papali contentis, et omnibus aliis absolvit, ipsosque Templarios ad statum ecclesiae et ad sacramenta ecclesiastica restituit. Demum ipsis Templariis iterato dictum Capitulum ingredientibus, et in dicto provinciali concilio personaliter existentibus, magister Robertus de Pyckering, commissarius praedictus, unanimi consensu omnium in ipso concilio existentium, ipsos Templarios a carcerali custodia regia liberavit, et ipsos custodiae ecclesiae admisit et mancipavit; ipsum provinciale concilium usque in crastinum continuando, eundem diem crastinum toti clero ibidem esistenti ad



interessendum in dicto Capitulo judicialiter assignando, ad tractandum et ulterius faciendum in dicto negotio, quod de jure fuerit faciendum.

*Acta undecimi diei.* } Quo die crastino, videlicet 30<sup>o</sup> die mensis Julii, praefatis commissario et clero in dicto capitulo, ut supra, consedentibus; habitoque tractatu diutino inter eosdem super ordinatione status dictorum Templariorum, idem magister Robertus Commissarius de communi consensu et assensu omnium tunc in dicto concilio existentium decrevit ordinavit et sententialiter pronunciavit, dictos Templarios singulos ad singula diversa monasteria praedictae Ebor. dioeceseos fore mittendos, ad agendum poenitentiam pro praemissis; super ordinatione vero et injunctione poenitentiae praefatis Templariis imponendae voluit idem commissarius, ut asseruit, venerabilem patrem dominum Willelmum, Dei gratia Ebor. archiepiscopum Angliae primatem, in ipso negotio, una cum certis collegis suis, Inquisitorem specialiter deputatum consulere, toto dicto concilio provinciali ad hoc consensum et assensum exhibente. Quibus sic factis, idem concilium, quoad tunc, dimisit sine die.

## XVIII.

xiv. This document is followed by many documents issued by William of Pykering, bearing on the arrangements for the settlement of the Templars in different monastic houses.

### PUBLICATIO CASSATIONIS ORDINIS TEMPLARIORUM.

[Reg. Grenefeld, f. 186 a].

Willielmus, &c. dilecto filio officiali nostro Ebor. salutem, gratiam, et benedictionem. Nuper in concilio generali, cui interfuimus, Vyenniae sanctissimus pater dominus Dominus Clemens divina providentia Papa quintus, per viam provisionis seu ordinationis ordinem militiae Templi, ipsiusque ordinis statum habitum atque

nomen irrefragabili et perpetuo valitura sustulit sanctione, ipsum ordinem perpetuae prohibitioni supponens, districtius inhibendo, ne quis dictum ordinem de caetero intrare, vel ejus habitum suscipere vel portare aut pro Templario se gerere praesumeret quovismodo ; Quod si quis contrafaceret, majoris excommunicationis sententiam incurreret ipso facto. Nolentes itaque quod fratres quondam dicti ordinis, aut quivis alii in nostra dioecesi constituti praetendere valeant ignorantiam praemissorum, vobis firmiter injungendo mandamus, quatenus tam in ecclesia nostra cathedrali Ebor. quam in singulis ecclesiis collegiatis, necnon monasteriis tam exemptis quam non exemptis, ac etiam in parochialibus ecclesiis nōstrae dioeceseos faciatis praemissa distincte aperte et solemniter publicari. Et quid feceritis in hac parte, nobis constare faciatis citra festum beati Matthaei apostoli per vestras literas, quae harum seriem representent. Valete. Datum apud Cawode 18<sup>o</sup> Kal. Septembris, anno gratiae MCCCXII<sup>o</sup> et pontificatus nostri septimo.

xv. On the last day of May, 1311, Archbishop William Grenefeld addressed a Writ to John Halton, Bishop of Carlisle, for the summoning of a Provincial Council, in continuation of an earlier Council held in the York Chapter House : at this Provincial Synod the subject of the trial of the Templars was to be considered. This writ is here printed, though it is not absolutely certain whether this Provincial Council or Synod was what we now call a Convocation. In the letter addressed in 1311 by the Archbishop, and his three brethren, Richard Kellawe, Bishop of Durham, John Halton, Bishop of Carlisle, and Thomas Dalton, Bishop of Whithorn, the word "Convocation" does not occur, though the document certainly refers to a meeting of that body : it is styled "*le concil provincial de la province d'Ewerwyke*." The word Convocation was at that time only growing into use ; and it seems not unlikely that, as the Writ does not make any reference to Proctors, and has no "*Praemunientes*" clause in it (though the document does use the word twice), it may refer to such a Provincial Synod as the

Archbishop had the right to summon, and not to a Convocation called on a Royal Writ. It will be seen that there is no statement that it is to be summoned at the King's command ; only that it is called in obedience to a commission from the Pope. In this Synod or Convocation a letter, dated 2nd June, 1311, was addressed to Edward II.\*

It is probable that the Constitutions of Archbishop Grenefeld, dated 16th July, 1311, were considered at this assembly. It is also probable that a separate Writ was issued to the Bishop of Durham. Antony Bek had lately died, and his successor, Richard Kellaw, was not consecrated when this Writ was issued at the end of May. Kellaw was consecrated the day before this Writ appeared ; and the consecrating bishops, the Archbishop of York, the Bishops of Carlisle and Whithorn, must have been on the spot to receive the summons.

This letter is printed chiefly as it shows the independence of this early Convocation in the matter of taxation.

## XIX.

## A PROVINCIAL COUNCIL TO BE HELD AT YORK.

[Reg. Joh. Halton, Ep. Carl., f. 140].

*Citatio ad concilium provinciale.* } Willielmus, permissione divina Ebor. Archiepiscopus, Angliae primas, venerabili fratri nostro J. Dei gratia Carliolensi episcopo, salutem et fraternae caritatis continuum incrementum. Licet nuper in nostro provinciali consilio in capitulo nostro Eboracensis ecclesiae celebrato, vobis et venerabili fratri nostro domino [Thomae Dalton] Dei gratia Candidae Casae episcopo, necnon abbatibus prioribus decanis archidiaconis praepositis sacraeque theologiae doctoribus ac juris canonici professoribus et dictae Ebor. aliarumque ecclesiarum collegiatarum capitulis nostrae dioeceseos et Provinciae coram nobis in dicto concilio congregatis, ex unanimi consensu omnium in dicto concilio tunc existentium, ipsum concilium ad primum diem mensis Julii duximus

\* See below, No. XXI.

prorogandum, ut dicto die in ecclesia conventuali de Blida juxta formam prioris citationis ad praedictum concilium convocandum habitae, omnes et singuli praedicti nostri subditi comparerent legitime coram nobis, [ad] praefatos diem et locum ad ea quae in eodem concilio proposita et inchoata fuerant, prout juri consonum fuerit, peragenda eisdem canonice praefigentes; certis tamen de causis et legitimis praedictam nostram praefixionem, quod loci praedicti de Blida assignationem tantummodo duximus immutandum. Quo circa fraternitatem vestram super his praemunientes tenore praesentium peremptorie nihilo minus vos citamus, et per vos universos Abbates, priores abbates proprios non habentes, et tam ecclesiae vestrae quam aliarum collegiatarum vestrae dioeceseos decanos archidiaconos ac praepositos, necnon capitula, peremptorie citari volumus et mandamus; quod tam vos quam praedicti abbates priores decani archidiaconi et praepositi personaliter, capitula vero per procuratores sufficienter instructos, in praedicta ecclesia nostra Eboracensi primo die mensis Julii memorato, cum continuatione et prorogatione dierum subsequen-  
tium, coram nobis compareatis et compareant, tam super negotio inquisitionis haereticae pravitatis contra singulares personas Templariorum, nobis a sede apostolica commisso, juxta acta retrohabita in dicto negotio, quam aliis prius propositis et noviter in eodem concilio proponendis tractaturi, salubre consilium impensuri, necnon ea, quae statuta ordinata et facta fuerint, humiliter admissuri; ac etiam efficaciter impleturi facturi et recepturi, quod consonum fuerit canonicis institutis. Vos etiam praemunimus et caeteros per vos citandos etc. Datum apud Thorpe juxta Ebor., 2<sup>o</sup> Kal. Junii, A. G. 1311 et pontificatus nostri vi.

## XX.

xvi. The following is a citation of the Bishop of Durham to be present at a provincial council or Convocation to be holden at York, on the Templars. It contains the *Praemunientes* clause in a somewhat different form from the usual.

[Reg. Kellawe, Dunelm., Reg. Palatinum, I, p. 35].

*Citatio domini* } Venerabili in Christo patri domino  
*ad Concilium* } Ricardo D. G. Dunolmensi, episcopo,  
*Eboracense.* } Robertus de Pykeringe, canonicus Eboracensis et reverendissimi patris domini Willelmi, D. G. Eboracensis archiepiscopi, Angliae primatis, commissarius specialis, salutem cum omnimoda reverentia et honore debitis tanto patri. Literas commissionis nobis in hac parte factae dudum recepimus in haec verba : Willelmus permissione &c. dilecto filio magistro Roberto de Pykeringe canonico ecclesiae nostrae Eboracensis, salutem gratiam et benedictionem. Cum nos de consensu unanimi praelatorum et cleri nostrae dioeceseos et provinciae nuper convenientium in nostro provinciali concilio in dicta nostra ecclesia celebrato, ipsum concilium, propter nonnulla ardua et dubia, negotium inquisitionis haereticae pravitatis contra Templarios in nostra dioecesi et provincia existentes, nobis et certis collegis nostris a sede apostolica commissum contingentia, ac alia quaedam negotia in eodem concilio pertractanda, usque ad instantem diem Sabbati, viz. decimum diem Julii, loco quo prius duximus prorogandum ; ac nos, vocatione domini nostri Summi Pontificis ad generale concilium nos arcente, aliisque nostris et ecclesiae nostrae negotiis arduis praepediti, non valentes in dicto nostro prorogato concilio personaliter interesse, vobis, de cujus circumspectione et industria confidentiam gerimus specialem, ad tenendum loco nostri praedictum concilium prorogatum die Sabbati memorato cum continuatione et prorogatione dierum subsequendum in ecclesia nostra Eboracensi praedicta, necnon ad tractandum ordinandum et perficiendum tam super dicto negotio Templariorum contingente quam aliis quae



communi deliberatione ipsius concilii fuerint rationabiliter ordinanda, ac omnia alia faciendum quae in praemissis et ea contingentibus necessaria fuerint vel etiam opportuna, tenore praesentium committimus vices nostras cum coercionis canonicae potestate. In cujus rei testimonium sigillum nostrum praesentibus est appensum. Datum apud Thorpe juxta Eboracum vij<sup>o</sup> idus Julii, A. G. 1311, et pontificatus nostri sexto.

Cujus commissionis auctoritate dicto die decimo mensis Julii, in quem praedictus pater concilium suum provinciale duxerat in Eboracensi ecclesia prorogandum, de quo die in praedicta commissione mentio noscitur esse facta, praefatum concilium tenuimus loco sui; et quod, propter fidei Christianae favorem, praecipue cum hujusmodi negotium Templarios indioecesi et provincia Eboracensi existentes contingens plenior et diligentior examinationem requirebat propter sui arduitatem et quaedam de novo emergentia ac alias causas legitimas, tempore indigemus ut maturius agamus et consultius procedamus, de consilio et consensu unanimi omnium tunc praesentium memoratum diem decimum mensis Julii usque in 28<sup>m</sup> diem mensis ejusdem, loco quo prius, duximus prorogandum, assignantes eosdem diem et locum tam personaliter comparentibus et procuratoribus venerabilium patrum dominorum episcoporum quam praelatorum et aliorum quorumcunque absentium, nomine dominorum suorum et suis dominis in personis eorundem; viz. quod iidem domini episcopi et praelati personaliter, et caeteri quicunque, per se vel per procuratores, compareant in concilio, ut praedicitur, prorogato, ad tractandum ordinandum consentiendum et faciendum quod in singulis dictum negotium contingentibus canonicum fuerit et salubre: necnon et memoratis Templariis, ad audiendum recipiendum et faciendum per omnia quod juxta negotii naturam et facti qualitatem justum fuerit et consonum rationi. Super quibus plenius discutiendis vestram personalem praesentiam credimus et novimus fore necessariam in hoc casu: quamobrem vestram



paternitatem reverendam rogamus requirimus et hortamur in Domino ex abundanti, prae munientes quatenus dictis die et loco praefato concilio personaliter intersitis, tractaturi ordinaturi vestrumque consilium impensuri, necnon et facturi ulterius in eodem quod justitia et aequitas suadebunt. Diem vero receptionis praesentium et quaecunque facienda duxeritis nobis citra festum instans S. Jacobi rescribi petimus per vestras literas patentes quae harum seriem repraesentent. Datum Eboraci iij<sup>o</sup> idus Julii, A.D. 1311.

## XXI.

xvii. This document was followed on the next day by the following letter to the King, for the release of Walter, Bishop of Coventry and Lichfield, from imprisonment in York Castle, whither he had been transferred from the King's prison.

A LETTER FROM THE BISHOPS AND MEMBERS OF THE  
PROVINCIAL COUNCIL (OR CONVOCATION) HELD AT  
YORK TO EDWARD II, 2ND JUNE, 1311.

[Reg. Ric. Kellawe, Ep. Dunelm., 7 a ; Reg. Palat., I, 38].

Excellentissimo principi ac domino suo carissimo, domino E. Dei Gratia regi Angliae illustri, domino Hiberniae et duci Aquitaniae, sui humiles et devoti W. [Grenefeld] permissione divina Ebor. archiepiscopus, Angliae primas, Ricardus [Kellaw] eadem gratia Dunelmensis, et Thomas [Dalton] Candidae Casae episcopi, ac caeteri de clero Ebor. provinciae apud Eboracum in provinciali concilio congregati, salutem cum omnimodis reverentia et honore. Exigit honorifica regia celsitudo ut in regendis subditis, his praesertim qui [in] ecclesia Dei gradum obtinent eminentem, exemplo Summi Regis, in cujus manu corda sunt regum omnium terrenorum, nequaquam potentiae magnitudine abutendo, mansuetudinem teneat et in spiritu permaneat lenitatis quatenus juxta Sapientis eloquia "Misericordia et veritas regem

custodiant et thronus ejus clementia roboretur.”\* Attendentes itaque quod venerabilis in Christo pater, dominus W[alterus] Dei Gratia Coventrensis et Lincolniensis† episcopus in castro vestro Ebor. carcerali custodiae est addictus, in vituperium episcopalis dignitatis, cum, juxta vocem Apostolicam, “Omnes sumus invicem membra,”‡ et si quid patitur unum membrum compatiuntur et alia membra, ipsius afflictioni miserabili compati necessario compellimur et arctamur. Quocirca excellentiae regiae humili ac elevata instantia supplicamus, quatenus ad honorem Dei et ecclesiae suae sanctae necnon episcopalis ordinis eminentiam, cujus ministerio vestrae coronationis insignia recepistis, venerabili patri praedicto vestrae mansuetudinis et clementiae viscera dignemini, si placet, effectualiter aperire, ipsum praecipiendo a carcerali custodia liberari, ac de innata vobis benignitate gratuita pristinae restitui libertati, ut exinde apud auctorem totius benignitatis et clementiae valeatis condignae retributionis praemium reportare, totusque status ecclesiasticus pro vestrae salutis et honoris augmento ad devota et assidua orationum suffragia sit astrictus. Conservet vos ecclesiae et populo suo Deus per tempora longiora. Datum Eboraci iij<sup>o</sup> nonas Junii A. G. MCCCXI.

## XXII.

xviii. The following mandate from Archbishop Grenefeld to his Official, ordering him to publish the Sentence of the Court held on the Templars, closes the whole dark affair.

Willelmus etc. dilecto filio officiali nostro Ebor. salutem gratiam et benedictionem. Nuper in concilio generali, cui interfuimus, vir sanctissimus pater noster dominus. Dominus Clemens divina providentia Papa quintus per viam provisionis seu ordinationis ordinem militiae Templi ipsiusque ordinis statum habitum atque nomen irrefragabili et perpetuo valitura sustulit sanctione,

\* Prov. xx, 28.

† The See was Coventry and *Lichfield* and the Bishop Walter de Langton.

‡ I Cor. xii, 25, 26; Eph. iv, 25.

ipsum ordinem perpetuae prohibitioni supponens ; districtius inhibendo ne quis dictum ordinem de caetero intrare vel ejus habitum suscipere vel portare aut pro Templario se gerere quovis modo presumeret ; quod si quis contra faceret, majoris excommunicationis sententiam incurreret ipso facto ; nolentes igitur quod fratres quondam dicti ordinis aut quivis alii in nostra dioecesi constituti praetendere valeant ignorantiam praemissorum vobis firmiter injungendo mandamus, quatenus tam in ecclesia nostra cathedrali Eboracensi, quam in singulis ecclesiis collegiatis, necnon monasteriis exemptis et non exemptis, ac etiam in parochialibus ecclesiis nostrae dioeceseos, faciatis praemissa distincte aperte et sollenniter publicari. Et quid feceritis in hac parte nobis constare faciatis citra festum beati Matthaei apostoli per vestras literas, quae harum seriem representent. Valete. Datum apud Cawode 18<sup>o</sup> Kal. Sept. A. G. MCCCXII et pontificatus nostri septimo.

xix. The following list contains, so far as it can be made out, the names of all who were cited to the "Provinciale Concilium," at any time during the course of it. It will be noticed that there is no definite record of the two Proctors for each Archdeaonry ; this, however, is probably due to the fact that these names would only appear on the returns from the Archdeacons ; and these I have not come across. The Trial of the Templars seems to have led the Archbishop to summon a body of legal advisers, who came from various parts of the Province ; together with certain Doctors in Theology, among whom the name of the Schoolman William Ockham stands out pre-eminent. It does not at all follow that all these persons were present at York.

- i. *William Grenefeld*, Archbishop of York. He was Canon of York\* ; then Dean of Chichester, *circ.* 1299 ; and Chancellor of England, 1299 ; consecrated as Archbishop, 30th January, 1306 ; ✠ 6th December, 1315.

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\* So says Edward I's *Close Roll*, 33 Edw. I, m. 22 d. "Mem : quod Mr. Willielmus de Grenefeld, Canonicus Eborum, et Cancellarius," &c.

2. *Robert Pickering*. Appointed by the Archbishop Special Commissary for this Provincial Council. He afterwards became for a short time Archdeacon of Northumberland; in 1312 was elected Dean of York.
3. *Richard Kellaw*, Bishop of Durham; consecrated 30th May, 1311. Bishop Antony Bek was summoned to this Council on 11th March, 1310, but died on 3rd March, 1311, so that Bishop Kellaw was summoned for the latter part of this Council or Convocation.
4. *John Halton*, Bishop of Carlisle (his name is given as John de Halucton, or Halaughton, or Halghton); consecrated 1292; had been Canon and Prior of Carlisle Cathedral.
5. *Thomas Dalton*, Bishop of Whithorn (Candida Casa), in Wigtonshire. Bede tells us that the first Bishop was Pecthelm, in 731.\*
6. *William Pickering* (brother of Robert, above No. 2), Dean of York, Archdeacon of Nottingham. He held also the Prebends of Fenton, 1288, Holme Archiep., 1297, Weighton, 1298, and Givendale, 1299; Dean of York, 11th September, 1310; ✠ 1312.
7. *Thomas Clyfford*, Dean of Auckland. (One Thomas de Clifford was Prebendary of Lincoln from 1305 to 1322).
8. *William Marclay*, Dean of Lanchester.
9. *Francesco Gaetani*, a Cardinal, Archdeacon of Richmond (he is elsewhere called Franciscus de Luco, *i.e.*, of Lucca). He was Prebendary of Knaresborough in 1292, and of Stillington in 1300; appointed Archdeacon by the Pope (Clement V) in 1307. He was Treasurer of York in 1303, but, being abroad, was removed by the Abp. in 1306; ✠ at Avignon, 1317.
10. *Stephen de Mauley*, Archdeacon of Cleveland in 1289; Prebend of Bugthorpe, 1298. The Latin form of his name is "de Malo Lacu."
11. *Bertrand de Fargis*, Archdeacon of the East Riding in 1310. With the Archdeaconry he held the two Prebends of Langtoft and Osbaldwick in the Church of York.

\* "Candida Casa . . . quae nuper multiplicatis fidelium plebibus, in sedem pontificatus addita, ipsum primum habuit antistitem."—Bede, *H. E.*, V, c. 23.

12. *Raymond*, a Cardinal ; Archdeacon of York. Reymund de la Goth (or del Goud), Cardinal of S. Maria Nova, was provided with the Deanery of York by the Pope in 1307 ; also Prebendary of Wetwang, in the Church of York, in that year.
13. *John of Grandison*, Prebendary of Masham, *circ.* 1309 ; Archdeacon of Notts, 1310 ; Bishop of Exeter, 1327, by Papal provision ; had been chaplain to John XXII.
14. *John Gylling*, Abbot of St. Mary's, York (Benedictine).
15. *Robert Ryplingham*, S.T.P., Chancellor of York, 1297.
16. *William of Aslachby*, Abbot of Selby (Benedictine).
17. *T. Bridesal*, Abbot of Kirkstable (Kirkstall) (Cistercian).
18. *John of Houden*, Abbot of Sallay (Cistercian).
19. *Robert*, Abbot " de Rupe " (Roche) (Cistercian).
20. *John*, Abbot of Rieval (Rievaux) (Cistercian).
21. *Henry of Thring*, Abbot of Roughford (Cistercian).
22. *Adam of Skyrne*, Abbot of Melsa (Meaux) (Cistercian).
23. *Robert Bishopton*, Abbot de Fontibus (Fountains), who died in 1310, and was succeeded by
24. *William Rygton*, as Abbot of Fountains (Cistercian).
25. *John of Casterfeld*, Abbot of Wellebek, Notts (Praemonstratensian).
26. *John Cokerham*, Abbot of Furneys (Cistercian).
27. *William* ———, Abbot de Bella Landa (Byland) (Cistercian).
28. *Thomas of Malton*, Abbot of Whitby (who does not appear on the lists till 28th July, 1311) (Benedictine).
29. *Elias* ———, Abbot of Calder (then in Lancashire) (Cistercian).
30. *Robert (or Roger)* ———, Abbot of Cokersand (in Lancashire) (Praemonstratensian).
31. *Simon Midgley*, Abbot of Jorevall (Jervaux) (Cistercian).  
Simon Midgley was one of those executed in 1331.
32. ———, Abbot of Alba Marlie (Albemarle or Aumarle).
33. ———, Abbot of Covenham (Coverham or Corham) (Praemonstratensian).
34. ———, Abbot of St. Martin's by Richmond (no name, of either Abbot or Prior, is mentioned).
35. *William* ———, Abbot of St. Agatha (Easby, Richmondshire).

36. *William* ———, Abbot of Egleston (Praemonstratensian).
37. *Thomas de Fonte*, Abbot of Thornton.
38. *John de Cheriaco* (?), Prior, Holy Trinity, York (Praemonstratensian).
39. ———, Prior of St. Bega (St. Bees) (Benedictine).
40. ———, Prior of St. Andrew's, York (Gilbertine).
41. *William of Birstall*, Prior of St. Oswald's, (*sc.* Nostell Priory) (Austin); was Prebendary of Bramham in 1291; Prior of St. Martin's, Richmond.
42. *Henry* ———, Prior of Drax (Austin).
43. *Raymond* (? *Renard*) of *Halghton*, Prior of Bretton (Monk Bretton) (Cluniac).
44. *William of Middlesburgh*, Prior of Gysebourn (Gisburn) (Austin).
45. *John of Hoton* (probably John Hothame, who was Prebendary of Stillington in 1310), Prior of "Novum Burgum" (Newburgh) (Austin).
46. ———, Prior of Cokerham (? Coverham) (Praemonstr.).
47. ———, Prior of Grounid (? Gruning) (Grosmont in Cleveland) (an Alien Priory).
48. *John of Rudestan*, Prior of Thurgarton, Notts (Austin).
49. *William of Toveton*, Prior of Felleye (Felley, Notts).
50. ———, Prior of Matherseye, Notts (Gilbertine).
51. *Robert de Chiril*, Prior of Blida (Blyth, Notts).
52. *Gerard of Burton*, Prior of Kirkham (Austin) (? executed after the Northern Rebellion of 1337).
53. *Robert Oldburgh*, Prior of Kirkham (? Prior of Wartre).
54. *John Tytheley* (? *Titheby*), Prior of Shelford, Notts (Austin).
55. *John of Thorp*, Prior of Wartre (Austin).
56. ———, Prior of Ellerton, Yorks (Cistercian).
57. ———, Prior of Morton (Austin).
58. *John Tykhill*, Prior of Worksop (Austin).
59. *Thomas of Clyfford*, S.T.P. (is this the Dean of Auckland given above?).
60. *Mr. John Gower*, S.T.P.
61. *Philip Beverley*, S.T.P.
62. *Brother Geoffry Haxby*, a Monk of Durham.



63. *Peter de Insula*, D.Can.L., Canon of York. He was Prebendary of Bole, 1301, and Archdeacon of Carlisle, 1302. (There was also a Peter de Insula, who was Archdeacon of Exeter, off and on, between 1280-1292; also he had letters of protection as Archdeacon of Wells in 1295 and 1297, and became Dean of Wells in 1300. This Lisle, though a contemporary, can hardly have been the same with our north-country Peter Lisle).
64. *Adam of Lincoln*, a Minorite.
65. *Thomas of Pontefract*, a Minorite.
66. *Richard Wetewang*, an Augustinian.
67. *Thomas Middleton*, S.T.P. (of the Ordo Praedicatorum).
68. *Mr. Nicholas*, D.C.L., a Canonist of Oxford.
69. *Nicolas of Wells*, D.C.L., Prebendary of Dunham in Southwell, and Treasurer of York *circa* 1270.
70. *Richard of Chester*, D.C.L.
71. *Mr. Robert of Sancthorp*, D.C.L.
72. *Mr. Philip of Beverley*, S.T.P., Rector of Kaynsham.
73. *Mr. William of Ockham*, S.T.P., Rector of Langton, Yorks. He was Prebendary of Bedford Major in the Church of Lincoln, and nominated Archdeacon of Stow (1301); he refused this preferment then, but accepted it in 1305, when it was again vacant.
74. *Mr. Henry of Mansfeld*, S.T.P., Rector of Flintham, Notts, then Prebendary of Asgarby, in Lincoln Cathedral, and Dean of that Church (1316).
75. ———, Prior of Walton (Gilbertine).
76. ———, Prior of St. Martin's by Richmond (? Praemonstratensian).
77. ———, Prior of Allerton.
78. [*Stephen*], Prior of Lenton, Notts (Cluniac).
79. ———, Prior of Novus Locus (Newstead) (Austin).
80. ———, Prior of Conniggesheved (Conishead) (Austin).
81. ———, Prior of Kertmel (Austin).
82. *D<sup>s</sup> Ormesby*, Minister of St. Robert of Knaresborough.
83. *Mr. Peter Ros*, Precentor of York; collated Precentor, 1289; at the same time collated Prebendary of Barnby, Yorks.

84. *D<sup>s</sup> Walter of Bedewynd*, Treasurer of York; admitted Treasurer 1307, and held the office till 1327.\*

## XXIII.

xx. The King takes care that he gets his Aid, which had been voted to him in the Convocation at Northampton in this year. The following royal Writ addressed to Bishop Kellawe on the 8th December, 1311, shows how these grants were collected. This document tells us that the death of Antony Bek had made the collection rather doubtful for the King.

## A ROYAL WRIT FOR THE COLLECTION OF AN AID.

[Reg. Kellawe, Dunelm., Reg. Palatinum, I, 122].

*Breve Domini regis "Quod distringatis."* } Edwardus, etc. venerabili in Christo patri Ricardo, eadem gratia Dunelmensi episcopo salutem. Mandamus vobis, sicut alias, quod distringatis collectores quintae-decimae nuper nobis a clero apud Northampton concessae, in episcopatu vestro per Antonium nuper Dunelmensem episcopum praedecessorem vestrum† ad hoc electos, per beneficia sua ecclesiastica; quae habent in eodem episcopatu vestro, ita quod sint coram baronibus de Scaccario nostro apud Westmonasterium in Octabis Sancti Hillarii, cum rotulis, talleis, brevibus, et omnibus aliis compotum suum tangentibus, ad reddendum nobis compotos nondum redditos de quinta-decima supra praedicta: et remittatis ibi tunc hoc breve. Teste W. de Norwico tenente locum thesaurarii apud Westmonasterium, viij<sup>o</sup> die Decembris, anno regni nostri quinto.

\* In the vacancy of the Archiepiscopal See, after the death of Archbishop Corbridge in 1304, King Edward I nominated Walter of Bedewynd to be Treasurer of York; the new Archbishop refused to admit him, as Francisco Gaetani was in possession, though abroad; Gaetani was summoned to appear, and, failing to obey, was deprived. Then Walter Bedewynd succeeded to the office, January, 1307.

† Antony Bek, that high prince of the Church, died 3rd March, 1311, at Eltham; his successor, Richard, was elected very promptly, on the 31st March following.

And some time seems to have elapsed before this money was got in :

<i>Receptio denariorum de collectore arre- ragii medietatis.</i>	}	Pateat universis per praesentes quod nos Ricardus permissione divina Dunelmensis episcopus recepimus de Johanne de Pollowe clerico, collectore nostro arreragii medietatis celebris memoriae domino Edwardo dudum regi illustri Angliae a clero con- cessae, una cum domino Waltero perpetuo vicario de Billingham xxxiij lib. xs. et vjd. per ipsos collectos : viz. de rectore ecclesiae de Winston viij lib. ; de vicario ecclesiae de Neuburn cxs. vjd. ; de rectore ecclesiae Sancti Ægidii de Satley lxxvs. viijd. ; de rectore ecclesiae de Segefeld vi li. xiijs. iiijd. ; de portione de Lamesley in ecclesia de Cestre, x li. Datum apud Crayke in festo Translationis Beati Thomae Martyris, anno pontificatus nostri secundo.
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## XXIV.

A CERTIFICATE FROM THE PROVINCIAL SYNOD OF YORK TO EDWARD II, TO EXCUSE THE SYNOD FROM VOTING ANY AID AT ALL. MAY, 1312.

[Reg. Archiep. Grenefeld, I, 190 b].

<i>Litera directa Domino Regi secundum dictam responsionem.</i>	}	A tres excellent prince et lour cher seigneur, si ly plect, Sire, Edward par la grace de Dieu roy d'Engleterre, seigneur d'Irland et ducz d'Aquitayne, William par meisme la grace Ercevesque d'Everwyk, primat d'Engleterre, Richard evesque de Dureaume, Johan evesque de Cardoyle, et Thomas evesque de Gaweye,* salute avec tote reverences et honeurs. Sire, au Council Provincial de la province d'Everwyk, qe fust comence a Everwyk le Lundy procheyn apres la feste del Ascension, fust proposee de par vous la requeste fete as procuratours du clergie de la dite province, qe ils vous grantassent un eyde de xij deniers de chescun mark, ou autre convenable
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\* Thomas Dalton was Bishop of Candida Casa, otherwise styled Whithorn, or, as here, Galway, or Galloway.

por vous dount vous poussez estre bein eyde en le espleit des busoignes qe vous aves a fere en les parties d'Escoce ; Le quel espleit serroit al honeur de Dieu et de vous, et a seurte de vostre reaume d'Engleterre, et a quiete de vostre poeple. Et, sire, les procuratours du clergie avantdits treterent entre eux par treis jours sus ceste chose, et finamment nous fyrent un respouns en escrit par comun assent de eux en escusaunt soi par moltes enchesyns qe il ne poeynt a ceste foyez nulle eyde graunter. Le quyche respouns nous avun envoye a sire William de Melton, si en aventure il vous plust oyr les enchesuns contenues en le respouns avantdit. Et, Sire, pur Dieu, a nous ne voillez maugre savoir endreit de ceste chose, kar nous meismes la poyne et la diligence qe nous poumis et savymis qe votre requeste eust este bonement etryee. Sire, Dieu vous doynt bone vie et lunge, et acresse votre honeur. Escrit a Everwyk, le Lundy en la semaine de Pentecust.

## XXV.

xxi. A writ of Archbishop Grenefeld, dated 4th August, 1313, summons a Convocation to sit at York on the 3rd September. The writ states that the Province of Canterbury, at the King's request, has granted fourpence in the mark (4d. on 13s. 4d., *i.e.*,  $\frac{1}{40}$ th), and that, on a similar writ from Edward II, the Northern Province, being very much nearer the Scottish danger, should vote a similar aid (see Wilkins' *Concilia*, II, 436). Bishop Kellawe's Register (I, 417) states that the Convocation did "reverently execute in all things" the Archbishop's mandate.

The Mandate following is printed because it gives us a good view of the difficulties, real or feigned, set forth by Edward II to get money from his northern Clergy.

[Reg. Palatinum, I, 574.]

<i>Prima Convocatio cleri provinciae Eboracensis ad tractandum super auxilio impendendo domino regi.</i>	}	Willelmus permissione divina Ebor. Archiepis- copus, Angliae primas, vener- abili fratri domino Ricardo D. G. Dunolmensi episcopo suffraganeo nostro salutem et
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fraternae caritatis in Domino continuum incrementum. Literas serenissimi principis et domini nostri domini Edwardi, D. G. regis Angliae illustris v<sup>o</sup> Kal. Maii, apud Brunby \* nostrae dioecesis recepimus tenorem qui sequitur continentes :—Edwardus, D. G. rex Angliae, dominus Hiberniae et dux Aquitaniae, venerabili in Christo patri Willelmo eadem gratia archiepiscopo Eboracensi, Angliae primate, salutem. Crescente malitia Roberti de Brus et complicitum suorum inimicorum et rebellium nostrorum, qui non modicas partes Marchiae regni nostri et ecclesiam sanctam in eisdem partibus sub tributo per tempus aliquod posuerunt, et jam de novo castra, villas, et fortalicia in terra nostra Scotiae et Marchia praedictis hostiliter occuparunt, et eadem castra villas et fortalicia, necnon ecclesias, oratoria, et alia loca sacra in terra et Marchia praedictis devastarunt, fideles nostros in dictis castris villis et fortaliciis inventos nequiter interficientes, et aliorum utriusque sexus innocentium sanguinem effundere non verentes ; et tot et tantis facinoribus non contenti usque ad villam nostram de Berewyke super Twedam et alia loca infra dictam terram nostram Angliae ad hujusmodi mala et pejora pro suis viribus perpetranda, cum magna multitudine armatorum accedere jam festinarunt pro salvatione dictae villae de Berewyke et aliarum villarum et locorum nostrorum in eisdem, et pro repulsione dictorum inimicorum et rebellium nostrorum, ordinavimus et esse proponimus, Deo dante, apud Novum Castrum super Tynam a die Paschae proximo futuro in tres septimanas cum equis et armis ad profic[isc]endum exinde contra dictos inimicos nostros ad eorum obstinatam malitiam, cum Dei adjutorio, refraenandum viriliter et potenter. Et quia vos et caeteri praelati ac clerus de regno nostro in tam arduis nos et statum ecclesiae sacrae et coronae nostrae tangentibus, non solum consiliis nobis tenemini assistere, sed etiam debetis extendere manus adiutrices, opportuna auxilia faciendo, vobis mandamus rogantes, quatenus aliis praetermissis, sitis

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\* Burnby, near Pocklington.

in propria persona vestra apud Eboracum in crastino S. Trinitatis proxime futuro, coram fidelibus nostris ad hoc deputandis, ad tractandum cum eisdem fidelibus nostris super competenti auxilio a clero vestrae dioecesis et provinciae Eboracensis impendenda ex causis praedictis pro utilitate reipublicae et statu ecclesiae sanctae relevando, et servitute praedicta, prout in proximo Parlamento nostro apud Westmonasterium habito, tam per clerum quam per communitatem regni nostri de hujusmodi auxilio faciendo extitit concordatum, et prout per praedictos fideles nostros ex parte nostra eritis requisiti; et ad eundem diem venire faciatis coram dictis fidelibus nostris suffraganeos vestros decanos . . . priores ecclesiarum cathedralium archidiaconos abbates exemptos et non exemptos provinciae vestrae praedictae in propriis personis suis, capitula etiam singula dictarum ecclesiarum cathedralium per singulares procuratores et clerum cujuscumque dioecesis ejusdem provinciae per duos procuratores sufficientes, ad tractandum et consentiendum una vobiscum his quae in praemissis ibidem tunc contigerit ordinari. Et hoc sicut nos et honorem nostrum et vestrum ac utilitatem reipublicae et relevatiorem ecclesiae sacrae ab hujusmodi servitute diligitis modis omnibus faciatis. Teste meipso apud Ely vij<sup>o</sup> die Aprilis anno regni nostri septimo. Cum igitur absque convocatione praelatorum et cleri nostrarum civitatis dioecesis et provinciae nequaquam valeat hujusmodi negotium expediri, tenore praesentium vos citamus et per vos . . . priorem ecclesiae vestrae et capitulum ejusdem, necnon universos abbates, priores abbates proprios non habentes, exemptos et non exemptos, in ecclesia praedicta, decanos etiam et praepositos ecclesiarum collegiatarum, necnon capitula ipsa totumque clerum vestrarum civitatis et dioecesis citari volumus, et mandamus quatenus vos, abbates, priores, decani, archidiaconi et praepositi personaliter, capitula et collegia singula per procuratores singulos, clerusque vestrarum civitatis et dioecesis per duos procuratores idoneos et sufficienter instructos ac



plenam et sufficientem potestatem habentes, in ecclesia nostra Eboracensi die Lunae in crastino S. Trinitatis proximo futurae compareatis et compareant ad tractandum in dicta Convocatione nobiscum et cum caeteris praelatis et procuratoribus cleri nostrarum civitatis diocesis et provinciae super negotio antedicto, ac ad faciendum ulterius super illo, quod communi videbitur iudicio faciendum : de die vero receptionis praesentium et qualiter hoc nostrum mandatum fueritis executi, necnon de nominibus abbatum priorum archidiaconorum praepositorum decanorum et capitulorum praedictorum nos citra dictum diem certificantes distincte et aperte per vestras patentes literas harum seriem continentes. Conservet vos Altissimus ad ecclesiae vestrae requiem et honorem. Datum apud Burtontona prope Beverlacum iij<sup>o</sup> Kal. Maii anno gratiae 1314, et pontificatus nostri nono.

xxii. This Mandate was followed, a month later, by another Writ, which indicates that the Convocation summoned for the Trinity time, 1314, had either failed to meet or had done no business. This second summons repeats the substance of the "Praemunientes" clause; the Archbishop states that Edward II "cum copiosa multitudo armatorum jam arripuerit iter suum."

By a Commission dated Durham, 16th November, 1314, we learn what amount of tax this Convocation ordered to be levied. It is interesting because, only two years earlier, Convocation had refused to vote any aid at all to the King.

## XXVI.

[Kellawe, Reg. Palatinum Dunelm., I, 636].

<i>Commissio ad levandum octo denarios de marca.</i>	}	Ricardus, permissione divina Dunolmensis Episcopus dilecto filio domino Willelmo de Burдона per- petuo vicario Novi Castri salutem gratiam et benedic-
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tionem. Ad exigendum recipiendum colligendum et levandum de singulis marcis beneficiorum omnium ecclesiasticorum archidiaconatus Northumbriae secundum taxationem consuetam singulos octo denarios absque deletu personarum a clero Dunolmensis dioecesis in Convocatione provinciali a venerabili patre . . . Archiepiscopo Eboracensi nuper facta domino nostro regi in subsidium guerrae suae in Scotia concessos, vobis vices nostras committimus cum cujuslibet coercionis canonicae potestate; mandantes vobis et firmiter injungentes, quod dictum subsidium in festis S. Andreae et Pentecostes proxime futuris modis omnibus levetis per aequales portiones, et integraliter habeatis, prout domino nostro regi de eodem vestro volueritis periculo respondere. Datum Dunolmiae xvi<sup>o</sup> die Novembris A.D. 1314, et consecrationis nostrae quarto.

While Northumberland had to pay 8d. in the mark, the Archdeaconry of Durham was assessed at 6d. in the  $\text{£}$ , or 12d. on each mark.\*

It should be noticed that the word "Convocatio" is by this time firmly established in the sense of a meeting of the "Provincial Council," as it is called up to this time.

xxiii. In 1316 Convocation was summoned at four different times to sit at York. (1) The King's Writ is dated 16th February, 1316, bidding the "custodians of the spirituality" of the Archbishopric (the see being vacant by the death of Archbishop Grenefeld on the 6th December, 1315) to summon the clergy for the grant of a subsidy. Whether they sat and refused an Aid, or whether they did not meet at all, is unknown. (2) Next, and in consequence, a second Writ, dated 22nd May, 1316, was issued. (3) A third Writ came out ordering them to meet on the 25th October. Lastly, and (4), the King sent a Writ in French, which here follows.

\* Kellawe's Reg. Palatinum, I, 637, for 6d. in the  $\text{£}$ 1; and I, 641, for 12d. on each mark; both documents are of the same date.

## XXVII.

LITERAS DOMINI NOSTRI REGIS ANGLIAE ILLUSTRIS IN  
GALLICA SUB IPSIUS PRIVATO SIGILLO iiii<sup>o</sup> ID. OCT.  
RECEPIMUS IN HAEC VERBA :

[Reg. Joh. Halton Episc. Carl., f. 189, A.D. 1316.]

Edward, par la grace de Diex roi d'Engleterre seigneur d'Irreland et duck d'Aquitaine, a nos chiers en Dieu, dean et chapitre del eglise sanct Pierre de Euerwyk, saluz. Come pur refreondre et rebote, a l'aide de Dieu, la malice et l'engressete de nos enemis d'Escoce, qui se afforcent de purchaser a nous, et de nos touz les maus qu'il poiunt, soioms en alant vers les parties du North, ou il nous concernit avoir grant foison de devers pur l'exploit de nos besoignes. E les prelas, et le clerge de la province de Canterbere, nous ount promis affaire un aide covenable pour cel voiage, et l'exploit de nos dite besoignes vous touche plus pres, que ceus du clerge de la province avandite, vous [pouvez]\* tant especialment de cuer come nous p . . . \* que a plus en haste que vous . . . \* faces assembler le clerge de la province de Eurewik, que il soit devant vous a Eurewik a acun jour certain dedents le quinze jours apres la date de cestes, et vos pregnez si pres de nous faire acun convenable eide, que se soit a l'honneur et profist de nous et de vous, et de tout nostre poeple, et confusion de nos enemis avandits : eantz resgvad (resgard), que l'exploit de nos dites besoignes touche plus a vous, que a ceux del autre province, de tant com nos enemis vos sont plus pres. Done sous nostre privie seal en Eurewik le xi jour de Octobre, l'an du nostre regne disme.

## TRANSLATION.

Edward, D. G. King of England, Lord of Ireland, and Duke of Aquitaine, to our beloved in God the Dean and Chapter of St. Peter's in York, Greeting. To curb and

\* Words carefully erased.

rebut, with God's help, the malice and aggression of our Scottish foes, who are striving to do us all the ills they can, We are on our way towards the parts of the North, where it is of high importance for Us to have abundance of what we need for the carrying out of our affairs. And the prelates and clergy of the Province of Canterbury have promised Us an aid suitable for this journey ; the success of this our said affair touches you far more closely than those of the clergy of the aforesaid Province. Wherefore you [should] with a specially good heart, as we [hope], and with all the speed possible [at once] assemble the clergy of the Province of York to meet you at York on a fixed day within a fortnight after the date of this Writ : and that you should begin to make Us some suitable aid, such as may be to the honour and profit of both Us and you, and all Our people, and to the confusion of Our aforesaid foes : considering this, that the success of this our affair touches you more nearly than it does the other Province, seeing that our foes are far nearer to you. Given under Our privy seal at York the 11th day of October, in the tenth year of our reign (1316).

## XXVIII.

xxiv. Archbishop Melton's Writ summons Convocation for the Octave of St. Hilary's day (20th January), 1319. Robert Bruce was still, in spite of papal efforts towards peace, defying all the attacks that weak Edward II could make. There is a distinct note of feebleness in the strong language of the following Writ, in which the bargain between State and Church is hinted at by the Archbishop.

[Reg. W. Melton Archiep. Ebor., f. 459 *seq.* (28 Nov., 1318)].

Willielmus etc. venerabili fratri domino Ludovico n. g. Dunolmiae Episcopo salutem et fraternam in Domino charitatem. Juxta sanctiones canonicas esse novimus constitutum ut qui intra ecclesiam positi disciplinam ecclesiasticam contemnentes per censuram ecclesiae compesci nequeunt, Regum severitate et rigore principum

conterantur. Et, sicut christiani principes pro aeterna vita pontificibus et sacerdotibus indigent, sic quoque pontifices pro successu rerum temporalium et ecclesiae Dei in statu orthodoxae fidei conservandae regum et imperatorum opportunis noscuntur auxiliis indigere. Sane attendentes quod serenissimus princeps dominus noster dominus Edwardus D. G. rex Angliae illustris ad repellendas Scotorum inimicorum suorum capitalium versutas insidias, ipsorumque malitias multiplices et notorias, Dei adjutorio, reprimendas ad partes Scotiae pro defensione regni sui et ecclesiae Anglicanae cum copiosa multitudine armatorum in proximo proponit dirigere iter suum; Nosque una vobiscum in parlamento proximo in civitate Eboracensi habito ex parte ejusdem domini nostri Regis cum magna simus instantia requisiti, quod vos et clerum nostrae dioeceseos et provinciae, qui propinquiore sumus periculo imminenti, efficaliter inducamus, ut ab eodem clero sibi ex praemissa causa competens subsidium concedatur, necessitate instante non modica perurgente, quod absque Convocatione praelatorum et cleri nostrarum civitatis et dioeceseos et provinciae non poterit adimpleri: tenore praesentium vos citamus et per vos priorem ecclesiae vestrae Dunolmensis et capitulum ejusdem uno, universos Abbates, priores abbates non habentes, exemptos et non exemptos, ipsorumque conventuum Archidiaconos, Decanos etiam et Praepositos ecclesiarum collegiatarum, necnon capitula ipsa totumque clerum, viz. civitatis et dioeceseos, citari volumus et mandamus, quatenus vos, Abbates, Priores, Decani, Archidiaconi et Praepositi personaliter, conventus et capitula ac Collegia singula per procuratores singulos, clerusque cujuslibet Archidiaconatus vestrarum civitatis et Dioeceseos per duos procuratores ydoneos et sufficienter instructos ac plenam et sufficientem potestatem ab ipsis conventibus, capitulis, collegiis, ac clero habentes, in ecclesia nostra Eboracensi in octabis S. Hilarii proxime futuris compareatis et compareant coram nobis ad tractandum in dicta Convocatione nobiscum et cum

caeteris praelatis et procuratoribus cleri nostrarum civitatis dioeceseos et provinciae super negotio antedicto, ac ad faciendum ulterius super illo quod communi videbitur iudicio faciendum. De die vero etc. Datum apud Thorpe prope Ebor. 4<sup>o</sup> Kal. Dec. A. G. mcccxviii. et pontificatus nostri secundo.

xxv. After this summons, which was very thinly attended—Archbishop Melton says, “in prima Convocatione omnes non comparuerunt”—another Writ came out, dated 25th January, 1319, for Convocation to meet on the Monday next after Mid-lent Sunday following.

xxvi. In 1323 two Convocations were summoned, the first for 10th May; the second “on the first lawful day after the Conversion of St. Paul” (25th January, 1324). In the May Convocation there is no record of anything done. The Country, and the Clergy with them, were reluctant to help Edward II, and they probably refused a vote. In the second Convocation they hit on a compromise: “the Clergy alleging their extreme poverty, desired to be excused from voting a subsidy,” but they promised that “instead of money, they would pour forth many masses and prayers to God for the King and for the prosperous outcome of his affairs.” With this the King had to be satisfied.

The reluctance of the Convocation against voting a subsidy, and their vain attempts to satisfy the needs of the King with masses and prayers, can well be seen from the following reply of the Convocation of 1323-4 to Edward II's demands:—

## XXIX.

[Melton, Ebor., f. 462.]

<i>Nova Convocatio praelatorum et cleri ad diem eis praefixum.</i>	}	Reverendae paternitati vestrae rev- erendus clerus totius provinciae vestrae Eboracensis in negotio subsidii per dominum nostrum Regem Angliae petiti, Quod omnes et singuli de dicto clero etiam omni affectione benevoli et parati ad placendum et
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subveniendum domino suo Regi omnia, si ad hujusmodi aliquo modo suae sufficiant facultates ; verumque ipsi sunt notorie ita destituti depraedati et depauperati quod bona sua non sufficiunt ad sustentationem suam et ecclesiarum suarum et aliorum diversorum onerum quae supportant. Ac etiam quod jam de novo sunt onerati una decima biennali, sicut committitur supra, per summum pontificem dicto domino suo Regi concessa, supplicant domino suo Regi ut ex his et aliis causis dignetur eos hac vice habere excusatos, et subsidium quod non possunt in rebus suis facere in praesenti ipsi in missis et orationibus ac aliis devotionibus domini piis sic supplebunt, et cum melius restaurati fuerint, libenter eum juvabunt per bonorum suorum subsidium dictum aliter facere curantes.

xxvii. The King returned to the attack, after his Parliament held in Nottingham, in a Writ dated 20th November, 1324. In this he says that in the Parliament "certain things were proposed for the honour of the Church and the good state of the Kingdom, which could not be carried out without the counsel and assent of the prelates and clergy," and that he, therefore, instructs the Archbishop to summon Convocation for the Octave of St. Hilary (29th January, 1325). On the back of this Writ there are endorsed two sentences :

"Quod clerus Cantuarensis provinciae apud S. Paulum Londinae non veniant," etc.

and

"Quod clerus Eborum provinciae apud Eborum non veniant," etc.

entries which indicate clearly the incessant struggle between the Church and Edward II. This took the form of a variance between King and Archbishop: for when Archbishop Melton summoned another Convocation on the Tuesday after the Purification B. V. M. (2nd February, 1325), the King issued a Writ from Kenilworth on 26th December, forbidding the meeting of this Convocation, and the Archbishop acquiesced.

xxviii. A very different tone is heard when Edward III comes to the throne, although the opening of the reign was not without breezes. For the King began by asking the Northern Convocation to meet outside their Province. This mistake may have been through ignorance, as he thought the place he named convenient and suitable.

And so, in 1327, when the King issued a Writ to the Archbishop, bidding him summon a Convocation to sit at Lincoln, where Edward proposed to hold a Parliament at the same time, the Northern House made demur, because they could not be summoned to meet outside their own Province. This is seen from a letter from the Archbishop (William of Melton) addressed to the Bishop of Durham (Beaumont), dated 22nd September, 1327, and sent from Laneham in Nottinghamshire, a county which at that time was in the Archbishop's Province.

### XXX.

[Reg. Melton, Ebor., f. 468].

.....“ Per quosdam excusatores ipsius cleri nostri extitit responsum, quod idem clerus apud Lincolniam extra provinciam nostram non tenebatur comparere, nec debuit respondere; Nosque allegationem hujusmodi legitimam reputantes cum difficultate tandem obtinuimus de dicto domino nostro rege et suo consilio, quod de vobis et fratre nostro Carliolensi episcopo, clero, nostrarum dioecesis et provinciae ad certos dies et locum dictae dioecesis nostrae competentes novam faceremus ad dictum effectum convocationem.”

xxix. King Edward III found himself on his accession at once involved in troubles with Scotland. In 1327 the Scottish King, deeming that a new young king with large difficulties at home would give him a fine opportunity, broke the truce, and came over into Northumberland. The “inglorious campaign” of 1327 followed. The King's Writ to Archbishop Melton must have been issued just before he went to Durham, at the beginning of these troubles. Wharton in his *Concilia* gives this Writ as of

the tenth year of Edward III; it does not appear in the Rolls of that year; and in 1337 no serious trouble was impending from Scotland. When I collated Wharton's copy with the Register of John of Kirkby, Bishop of Carlisle, I found that Wharton had omitted the date, "*Anno regni nostri secundo*," which brings the Writ back to the moment at which the whole North of England was looking with apprehension for a Scottish incursion.

## XXXI.

A WRIT FOR AN AID AGAINST THE SCOTS. A.D. 1327.

[Reg. Joh. de Kirkby, Ep. Carl., f. 327].

Edwardus Dei gratia Rex Angliae Dominus Hiberniae et Dux Aquitaniae venerabili in Christo patri W[illelmo de Melton] eadem gratia archiepiscopo Eboracensi Angliae primati salutem.

Regnum et sacerdotium velut ab uno procedentia principio Jesu Christo, illam sibi vendicant unionem ut in opportunitatibus alterutrum gaudeant se mutuis subsidiis praevenire, cum regnum auctoritate sacerdotali dirigatur spiritualiter ad salutem, et sacerdotium brachio regiae potentiae temporaliter defendetur. Vostra siquidem paternitas bene novit qualiter ad partes Scotiae de vestro et aliorum praelatorum ac magnatum regni nostri consilio ad compescendum Scotorum inimicorum nostrorum malitiam, qui contra nos ibidem de guerra hostiliter surrexerunt, nos nuper manu forti transtulimus, propriis non parcentes laboribus, sed infinitam quodammodo pecuniam, sicut oportuit, effundentes, ut jura coronae nostrae defenderemus magnifice, ac ecclesiae et cunctis nostris subditis quietis pulchritudinem, subactis hostibus, pararemus. Verum, cum in progressu praefato thesaurus noster plurimum sit exhaustus, et jam imminet nobis necessario pro defensione regni et terrarum nostrarum quaedam agenda ardua tam in terra Scotiae quam alibi, quae magnum requirunt profluvium expensarum, quas absque cleri subsidio non possumus commode supportare;

ac praelati et . . . Clerus Cantuarensis provinciae praemissis in gratia considerationibus examine ponderantes, nobis in subventionem expensarum hujusmodi unam decimam de bonis suis ecclesiasticis jam in parlamento nostro apud Westmonasterium liberaliter concesserunt et gratanter; Vestrae benevolentiae puritatem de qua plene confidimus, rogamus attente, vobis nihilominus in fide et dilectione quibus nobis tenemini firmiter injungentes, quatenus cum hic publica versetur utilitas, et urgens necessitas id exposcat, praelatos et clerum vestrarum dioecesis et provinciae ad aliquem certum diem citra festum Pentecostes proxime futurum apud Eborum convocari facias: ita quod tam vos quam dicti praelati decani et priores ecclesiarum cathedralium, archidiaconi ac religiosi quos expedire videritis personaliter, et clerus per procuratores idoneos ibidem tunc intersitis et intersint ad tractandum et consentiendum super aliquo subsidio competenti, nobis de bonis ecclesiasticis vestrae provinciae concedendo, quod, considerata qualitate praemissorum, nobis merito fore debeat gratum, ad quem diem aliquos de nostris illuc proponimus destinare ad exponendum vobis plenius nostram indigentiam in hac parte. Sed si forsán dicti mittendi tunc ibidem non venerint, ulterius ipsorum adventum nullatenus expectetis, sed ad tractatum hujusmodi tunc modis omnibus procedatis, et de eo quod nobis in hac parte concesseritis nos reddatis quo citius poteritis certiores; In praemissis, sicut de vobis confidimus, ac reipublicae commodum affectatis, taliter vos habentes quod vestram debeamus gratitudinem commendare, et eam in agendis vestris retributionibus prosequi gratiosis. Teste rege apud Westmonasterium decimo sexto die Martii anno regni nostri secundo.

xxx. A Convocation was held at York, on the King's Writ, followed by the Archbishop's Mandate, on the Monday next before the Feast of SS. Tiburtius and Valerian (14th April, 1332).

xxx. In 1334 Edward III summoned the Convocation of the Province of Canterbury to a Parliament to be holden at York, on the Monday next before the Feast of St. Peter in Cathedra (22nd February, 1334). In this summons he introduces the "praemunientes" clause, showing that he really meant to combine Convocation with Parliament. He says "quod quilibet [episcopus] *praemunire* faciat priores decanos et capitula ecclesiarum suarum cathedralium necnon archidiaconos et clerum suarum dioecesium, quod iidem priores decani et archidiaconi in propriis personis suis, et quodlibet capitulorum praedictorum per unum, clerusque cujuslibet dioeceseos per duos procuratores sufficientem potestatem ab ipsis capitulo et clero habentes, dictis die et loco intersint," etc.\*

The Convocation of York was also summoned to assemble at York on the Monday after the Octave of the Epiphany (13th January, 1334), and again, by a King's Writ, on the Monday after the Feast of St. Catherine the Virgin (25th November, 1334).

xxxii. A Royal Writ, followed by the Archbishop's Mandate, led to a meeting of Convocation on the Wednesday after St. Luke's Day (18th October, 1335).

xxxiii. A Convocation was summoned by a Royal Writ, dated 21st August, 1337, addressed to the Archbishop. It states at large the reasons for which the King desired a subsidy. The Archbishop's Mandate summons Convocation to meet on the Wednesday next after the Nativity of the Virgin (8th September, 1337). The subsidy voted (*viz.*, the half of a tenth) seemed to the King so much below what he wanted that he instructed the Archbishop to summon Convocation again. They met on the Wednesday after St. Martin's Day (11th November, 1337) at York, and granted the King, as a subsidy, a two-years' tenth on all the goods and benefices ecclesiastical in the province; and this the Archbishop signified formally to the Abbot of St. Mary's, York, as Collector. This brief was dated from Cawode on the 17th December, 1337.

\* Wharton, *Concilia*, II, 570.

It should be noted that this Convocation was rather a Diocesan Synod than a proper assembly of the Northern Province ; though the form and manner of the Writ is as was usual for a Convocation, as was also the vote of a subsidy. Still, the whole beneficed clergy were to be summoned, and there is nothing said about representation by Proctors. In the margin it is spoken of as a Convocation.

xxxiv. A Convocation was summoned by Archbishop William of Melton for the 1st October, 1338, though he states that he could not personally appear.

xxxv. This Royal Writ has a special interest, as it names Prince Edward. The "Black Prince" was born in 1330 ; so that his honours of Duke of Cornwall, Earl of Chester, and "Warden of England," must have been conferred on him almost in his infancy. He was made Prince of Wales in 1343. We learn the date of this document from the King's Register, which enters it under 13 Edw. III, *i.e.*, 1339. The Archbishop W. is William of Melton ; and the J., Archbishop of Canterbury, is John of Stratford, Bishop of Winchester 1323-1333, and Archbishop from 1333 to 1348. The following Writ shows that Edward III had no very definite rule as to the persons to be summoned as members of Convocation : he instructs the Archbishop to call up "*alii beneficiati, quos expedire videritis*," so apparently leaving the choice to him.

### XXXII.

[Rott. Claus., 11 Edw. III, p. ii, m. 29 *dorso*.]

<i>Pro Rege de Convocatione cleri facienda pro subsidio habendo.</i>	}	Rex, etc., venerabili in Christo patri W[illelmo de Melton] eadem gratia archi- episcopo Eboracensi, Angliae primati, salutem. JUSTUM est et consonum rationi ut per communia subsidia communibus periculis occurratur. Sane, licet nos desiderantes omnino habere pacem cum domino rege Franciae, qui nonnullas terras nostras in ducatu praedicto [Aquitaniae] nobis diu detinuit, et adhuc detinet minus juste, sibi pro obtinenda restitutione terrarum hujusmodi quicquid debuimus reverenter et humiliter fecerimus, offerentes ulterius ad
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captandum ipsius benevolentiam maritagia filii nostri primogeniti [Edwardi] nunc ducis Cornubiae clarae memoriae Johannis comitis Cornubiae fratris nostri tunc viventis et sororis nostrae charissimae jam comitissae Gerl\* pecuniam etiam pro suo libito et alia quae in schedula his inclusa plenius annotantur; ipse tamen his omnibus obauditis, machinans nos et nostras omnino deprimere, ut usurpata super nos possit retinere liberius, et sibi facilius attrahere residuum quod habemus; movet nobis guerram fortissimam tam in terra quam in mari, nolens nec paci nec pacis tractatui consentire; propter quod ad reprimendum ipsius et Scotorum ac aliorum inimicorum nostrorum malitiam oportet pro defensione ecclesiae et terrarum nostro regimini subditarum nos opponere manu forti, quae quidem defensio tantum requirit profluvium expensarum quod sine magno fidelium nostrorum praesidio illas non possumus supportare. Quamobrem amorem gratum et bene dispositum, quem ad nostri conservationem honoris et defensionem ecclesiae et terrarum praedictarum confidimus vos habere, ex corde rogamus quatenus ponderatis debite quantis periculis nos et nostri subditi subjiciuntur in hac parte, praelatos et clerum vestrae dioeceseos, tam exemptos quam non exemptos, apud Eboracum die Mercurii proximo post festum Nativitatis beatae Mariae Virginis proxime futurum citius quo poteritis convocari faciatis: ita quod praelati, decani, abbates, priores, archidiaconi, rectores ecclesiarum, et alii beneficiati, quos expedire videritis, personaliter tunc compareant coram vobis, coram quibus singula contenta in dicta schedula et alia quae moneri poterunt clare et publice faciatis exponi: Inducentes eosdem ut quilibet in alleviationem expensarum hujusmodi nobis, prout facultates suae permiserint, talem subventionem faciat qualem tanta necessitas jam exposcit: rescribentes nobis cum omni celeritate quid et quantum vos et alii singuli vobis duxeritis concedendum. Ad

\* *I.e.*, Eleanora, second daughter of Edward III, who was married to Reginald II, Earl of Gelderland.

haec facere dictam schedulam in singulis ecclesiis dictae dioeceseos et locis aliis quibus expedire videritis, diebus solemnibus et festivis, quando major adhaeret populi multitudo, publicari patenter et exponi, ut fideles nostri super his informati, nobis libentius temporaliter subveniant, et pro nobis apud Deum votivis precibus intercedant, et quod eos monitis efficacibus excitetis; taliter super his vos habentes, quod vestram debeamus gratitudinem merito commendare. Teste Rege apud Westminsterium, 21<sup>o</sup> die Augusti. Per ipsum Regem.

## XXXIII.

[Reg. Joh. Kirkby, Carl., f. 408].

Rex venerabili in Christo patri W. eadem gratia archiepiscopo Ebor. Angliae primati, salutem. Nuper tam vobis, quam venerabili patri J. archiepiscopo Cantuariensi, totius Angliae primati, duximus demandandum quod idem archiepiscopus Cantuariensis praelatos et clerum suae provinciae apud ecclesiam S. Pauli Londoniensem; et vos vestrae provinciae praelatos et clerum apud ecclesiam vestram S. Petri Ebor. ad certos dies praeteritos convocari faceretis, ad tractandum consulendum et ordinandum super aliquibus defensionem et utilitatem Anglicanae ecclesiae et regni nostri contingentibus, ac aliqua subventionem nobis de vestris et suis bonis propterea faciendam. Et licet praefatus archiepiscopus Cantuariensis ac praelati et clerus suae provinciae quandam decimam ultra decimam triennalem, jam currentem nobis de bonis suis concesserint ecclesiasticis, et terminos solutionis secundi anni dictae triennalis decimae anticipare in subsidium supportationis onerum, quae pro defensione ecclesiae et regni praedictorum ac recuperatione iurium coronae nostrae nos oporteret necessario sustinere: vos et praelati ac clerus dictae vestrae provinciae nihilominus subsidium aliquod in convocatione vestra praedicta, quanquam vobis de concessione per clerum Cantuariensis provinciae hujusmodi

nobis sic facta, tunc constiterit evidenter, de vestris et suis bonis ecclesiasticis tunc concedere renuistis, unde plurimum mirabamur; et quia pericula ex hostili alienigenarum aggressu, qui dictum regnum et sanctam ejusdem ecclesiam invadere et pro viribus destruere moliuntur, multiplicare et abundare de diebus in dies dignoscuntur, et ea de causa pro tuitione eorundem oportet sumptus et expensas, sicut novit vestra discretio, necessario adaugere, advertentes, quod omnes ipsius regni ad salvationem et defensionem ejusdem ac Anglicanae ecclesiae supradictae, cujuscunque conditionis fuerint sive status, astringuntur tantis eisdem regno imminentibus periculis subvenire; vobis mandamus injungendo, quod ad certum diem citius quo poteritis per vos praefigendum apud ecclesiam vestram S. Petri Ebor. clerum vestrae provinciae, videlicet tam episcopos et religiosos, exemptos et non exemptos, quam alias personas ecclesiasticas, quos videritis convocandos, convocari faciatis, et consideratis tanta ecclesiae et regni eorundem arduitate negotiorum et onerosis sumptibus, quos ea de causa exponere coarctamur, ac etiam subventionem per clerum dictae Cantuarensis provinciae tam benevole nobis facta, cum eisdem praelatis et clero diligentius tractetis, eosdem nihilominus modis et viis, quibus poteritis, excitantes de tali subsidio, nobis per vos et ipsos de vestris et suis bonis ecclesiasticis concedendo, quale nobis praelati et clerus praefatae Cantuarensis provinciae concesserunt, ut praemittitur, vel uberiori, prout imminens necessitas hoc exposcit; scituri, quod quanto in subventionem hujusmodi faciendam vos et ipsi ostenderitis promptiores, tanto exinde vobis et ipsis venturis temporibus astringi volumus in agendis. Quosdam autem fideles et secretarios nostros ad diem praedictum mittere ordinavimus, ad exponendum vobis aliqua praemissa contingentia et informandum vos plenius de eisdem, et ad reportandum nobis, quod in hac parte duxeritis faciendum; propter quorum absentiam, si tunc non venerint, dictum negotium ulterius

retardari nolumus seu differri. Teste Edwardo duce Cornubiae et comite Cestriae filio nostro charissimo, custode Angliae, apud Byflet 8<sup>o</sup> die Februarii.

xxxvi. This Writ, addressed to Archbishop W. (Zouche), shows that, in 1342, when it was issued by the King from Eastry, a parish in Kent not far from Dover, Edward III was hoping for favourable results from the kindly efforts of Pope Clement VI, who in 1342, soon after his election, had taken the part of the head of the Christian world of the West, by sending two Cardinals as his mediators for peace between Philip of Valois and Edward. That the English King did not expect much from this dignified embassy is plain from his language. He appears to have been completely justified by the refusal of Philip VI to come to terms.

This Convocation was to be summoned to meet at Pontefract on the Monday after St. Andrew's Day (30th. November); and it was so ordered because it would be contrary to the proprieties if the new Archbishop, William de la Zouche (who had been consecrated by Clement VI at Avignon early in this year, 1342), were to enter York before the day of his enthronisation in the Minster.

And this Writ was followed by another, issued from Conington on 12th October, 1342, bidding the Archbishop summon Convocation. Archbishop Zouche accordingly issued his Mandate from Bishopthorp on the 13th November, 1342, with the King's Writ attached, for a Convocation to be held on the Monday next after the Conception of the B. V. M. (8th December, 1342). This Convocation was held accordingly, and on the 12th December the Archbishop sent to the King his certificate in which he first informed him that "after a huge discussion and many excuses," Convocation, at last, overborne by the royal prayer and by the Archbishop's urgency and instance, had voted the King a tenth, under certain conditions annexed.

The King's Writ, and the "Conditions annexed to the Certificate," are here printed.

## XXXIV.

WRIT OF EDWARD III TO HOLD A CONVOCATION AT  
PONTEFRAC, 30TH SEPTEMBER, 1342.

[Reg. Zouch Archiep. Ebor., f. 281, and also Rot.  
Claus. 16 Edw. III, p. ii, m. 14, *dorso*].

Rex venerabili in Christo patri W. eadem gratia  
archiepiscopo Ebor. Angliae primati, salutem. Volentes  
pridem condescendere precibus et persuasionibus ex parte  
sanctissimi patris domini Clementis papae sexti per  
litteras et nuncios nobis factis, de pace seu treugis cum  
adversario nostro Franciae ineundis, paratos nos obtulimus  
ad tractandum cum deputandis per dictum adversarium  
de praemissis, et propter hoc alligatis nostris litteras et  
nuncios transmisimus speciales, sed dictus adversarius  
noster, qui violatis treugis prius initis fideles nostros  
depraedare fecerat et interficere, tractatum pacis decli-  
navit, in nostri et nostrorum subversionem conjurans pro  
viribus et conspirans; propter quod desiderantes tam  
discriminosis periculis nobis ac regno nostro Angliae et  
ecclesiae Anglicanae, nisi Deus avertat, obviare, magnum  
exercitum armatorum ad reprimendum ipsius adversarii  
nostri malitiam, et pro defensione nostri regni et ecclesiae  
praedictorum necessaria jam ad partes transmisimus  
transmarinas; nos etiam passagium nostrum versus  
partes illas propter hoc ordinavimus, sicut oportet,  
validum et festinum; et quia super his et aliis, nos ac  
statum, et regimen dicti regni defensionem et honorem  
dictae ecclesiae et utilitatem reipublicae summe  
tangentibus, ut communibus periculis per communia  
consilia obvietur, consilium, auxilium, et avisamentum  
vestrum suffraganeorum vestrorum ac cleri vestrarum  
dioecesis et provinciae habere volumus e vicinio;  
specialiter vos rogamus, et in fide et dilectione quibus  
nobis tenemini, vobis injungimus et mandamus, quod ad  
diem Lunae proximum post festum S. Andreae Apostoli  
proxime futurum dictos suffraganeos vestros, et clerum  
apud Pontemfractum convocari faciatis; ita quod vos



et ipsi sitis tunc ibidem super praemissis cum deputandis per nos tractaturi, et vestram (*sic*) consilium et auxilium impensuri, ulteriusque facturi, quod tunc ibidem contigerit ordinari. Et hoc, sicut nos et honorem nostrum diligitis nullatenus omittatis. Dictum autem locum de Pontefracto vobis propter hoc duximus assignandum, quia civitatem Eborum ante tempus intronisationis vestrae commode, ut dicitur, intrare non potestis. Teste rege apud Eastry xxx die Septembris.

## XXXV.

CONDITIONS ATTACHED TO THE CERTIFICATE OF A VOTE  
OF A TENTH.

[Zouch, Ebor., f. 281 ; Wilkins, *Concilia*, II, 712].

Pater et domine reverende Nos clerus civitatis et dioeceseos provinciae Ebor. ad laudem et honorem Domini nostri Jesu Christi et ecclesiae suae sanctae, specialiter ad tuitionem, defensionem, et protectionem ecclesiae Ebor. ecclesiarumque cleri et populi totius provinciae Ebor., quam ad honorem Domini nostri Regis Angliae illustris, atque vestrum, intellectis expositis per vos, sub conditionibus infrascriptis, et non aliter concedimus de bonis nostris ecclesiasticis unam decimam annualem in festis Annunciationis beatae Mariae virginis gloriosae et beati Michaelis archangeli proximo futuris per aequales portiones domino nostro Regi secundum novam taxam persolvendam ; viz. quod ecclesia Anglicana et specialiter Ebor. ecclesia, et omnes ecclesiae dioeceseos et provinciae Ebor. suis gaudeant libertatibus et juribus, et protectione muniantur regali, ecclesiaeque et personae ecclesiae antedictae nullis angariis, vexationibus, aut injuriis, equis aut equitaturis regalibus graventur aut onerentur quovismodo. Et quod omnes et singulae conditiones per praelatos seu clerum Cantuarensis provinciae in concessione aut subsidio dicto domino Regi factis jam de novo observentur et etiam concedantur ; salvis nobis et eis in concessione nostra memorata. Et



si quodcunque subsidium per dominum nostrum papam aut alium seu alios quoscunque vice aut auctoritate sua seu mandato praefato domino nostro Regi infra annum durantibus terminis solutionis per nos faciendae concedatur solutio per nos facienda cedat pro portione solutionis et concessionis praedicto domino nostro regi faciendae.

Item quod de dampnis et injuriis in juribus bonis et rebus ecclesiae Ebor. pro tempore ultimae vacationis ejusdem qualitercunque factis aut illatis, praefatae ecclesiae Ebor., ejus archiepiscopo aut capitulo, fiat satisfactio et emenda. Et quod certae personae deputentur ex parte domini regis cum aliquibus canonicis de capitulo, ad inquirendum de hujusmodi dampnis injuriis in juribus libertatibus bonis aut rebus praedictae Ebor. ecclesiae factis; et faciendum plenam justitiam et competentem emendam in hac parte.

Item, quod temporalia quaecunque praedictae ecclesiae Ebor., quotiens ipsam vacare contigerit in futurum, remaneat in custodia capituli, vacatione durante, reddendo inde certam pecuniae summam praedicto domino Regi pro tempore vacationis juxta inquisitionem inde factam ultimo tempore vacationis praedictae, et per deputatos retornatam, \*seu per bonos et fideles in scaccarium Regis faciendam,\* aut tantam pecuniae summam, quam dictus dominus Rex pro rato ipsius inde recte et libere percepit.

Item, quod pecunia de hujus[modi] subsidio levanda et percipienda, in utilitatem et commodum praefati domini Regis, tam ad defensionem et protectionem regni Angliae ecclesiarum cleri et populi dioeceseos et provinciae Ebor. contra Scotos et hostiles incursus in partibus Borialibus pro tempore hujus solutionis faciendae emergentes totaliter, vel saltem pro majori parte, et non in alios usus convertatur.

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\* Inserted in the text with a different ink, though of the same period.

Item, quod praemissae conditiones omnes et singulae per praefatum dominum Regem, si in regno fuerit Angliae, aut, eo absente, per custodem regni de consilio suo concedantur, et per literas regias sigillo magno regio signatas Eborum Dunelmiae et Carliolae ecclesiis destinandas, circa Quadragesimam proximo futuram confirmentur et firmiter observentur in futurum; quod si praemissa non impleantur, nolumus, quod solutio fiat alicujus pecuniae terminis praenotatis, aut quod ecclesia in aliquo gravetur, seu quod aliquae sententiae per vos, pater reverende, contra nos aut non solventes ratione concessionis hujus fulminentur, seu quicquam ea occasione a nobis exigatur, sed his contradicimus expresse, et sub poenis contra extorquentes quicquam de bonis aut personis ecclesiasticis, seu tallias imponentes eisdem a sacris canonibus promulgatis.

xxxvii. A Royal Writ bids the Archbishop to summon Convocation to meet on the Wednesday next after St. Barnabas' Day (11th June, 1345). There is also a Citation by Archbishop Zouche, dated 9th December, 1346.

xxxviii. A Royal Writ (6th November anno regni xx°, *i.e.*, A.D. 1347), issuing from the Tower of London, summons Convocation to meet on the Monday next after the Feast of St. Lucy the Virgin (13th December, 1347), at York Minster; but another Writ, issued at the same date and from the same place, bids Convocation to be summoned at the Minster "on some certain day to be fixed by the Archbishop in the usual manner." Archbishop Zouche accordingly chose the Monday next after the Conversion of St. Paul (25th January, 1348).\*

A Royal Writ summons Convocation to meet at York on the Friday in the Easter week next following.

xxxix. Archbishop Zouche issues a mandate for a Convocation (29th March, 1351) from Cawood, in consequence of a Royal Writ, which here follows.

\* See Wilkins, *Concilia*, II, 735.

## XXXVI.

[Rot. Claus., 25 Edw. III, m. 28, *dorso*].

*Pro clero* { Rex, etc., venerabili in Christo patri  
*Ebor.* { W[illelmo de la Zouche] eadem gratia  
*provinciae* { Archiepiscopo Eboracensi, Angliae primati,  
*convocando.* { salutem. Quia cum adversario nostro  
 Franciae pacem vel treugas habere nequivimus, sed ipse  
 terras nostras in partibus exteris indies destruere non  
 desinet, et totam armatam potentiam quam colligere  
 poterit, ad fines regni nostri Angliae et aliarum terrarum  
 nostrarum invadendum et ad idem regnum nostrum et  
 populum eorundem regni et terrarum destruendum  
 congregare facit, sicut certitudinaliter sumus informati;  
 propter quod magnum posse hominum ad arma et  
 armatorum ad necessariam defensionem ipsorum regni et  
 terrarum contra tantam malitiam machinatam congregare,  
 et ad hoc expensas importabiles apponere nos oportet,  
 et eo praetextu venerabilis pater S[imon Islip] archi-  
 episcopus Cantuarensis suffraganeos et clerum suorum  
 dioecesis et provinciae Cantuarensis in quindena Paschae  
 proxime jam futura ad rogatum nostrum fecit convocari,  
 pro competenti subsidio nobis in hac parte concedendo;  
 vos in fide et dilectione quibus nobis tenemini, rogamus  
 quatenus attentis necessitate nostra hujusmodi et periculis,  
 quae pro defectu defensionis hujusmodi verisimiliter  
 evenire possent, suffraganeos vestros, decanos et priores  
 ecclesiarum cathedralium, abbates, priores, et alios  
 electivos, exemptos et non exemptos, necnon archi-  
 diaconos, capitula, conventus, et collegia, totumque  
 clerum vestrarum dioeceseos et provinciae ad compar-  
 endum coram vobis in aliquo certo loco per vos ipsis  
 ad hoc statuendo, ad aliquem certum diem circiter  
 mensem Paschae proxime futurum more solito convocari  
 faciatis, et expositis eis dictis negotiis ibidem, ipsos ad  
 aliquod competens subsidium nobis in allevationem tanti  
 oneris concedendum cum efficacia inducat, et partes  
 vestras ad hoc effectualiter apponatis: nos de qualitate

subsidii illius, ac de terminis solutionis ejusdem certificantes. Et hoc sicut nos et honorem nostrum ac salvationem et defensionem dicti regni ac aliarum terrarum nostrarum et ecclesiae sanctae diligatis, nullatenus omittatis. Teste rege apud Westmonasterium, 1<sup>o</sup> Martii. Per ipsum regem.

This Convocation, following letters citatory addressed to the Bishops of Durham\* and Carlisle,† as well as to the Dean of York‡ and the Chapter of York, was summoned for the 19th May, 1351; it ended in the vote of a "decima biennalis"§ of all goods spiritual and temporal in the province.

xl. The following Writ of Bishop Hatfield is inserted, because among other matters it emphasizes the Durham Protest, and gives it in full form, as read by William Legat, the Bishop of Durham's Chancellor and Proctor. It also shows how this claim of the Durham Palatinate was received in Convocation. Dated 18th May, 1351.

### XXXVII.

[Hatfield, Register, f. 26 (5 b)].

In Dei nomine, Amen. Per praesens publicum instrumentum constet omnibus manifeste quod anno ab Incarnatione Domini secundum cursum et computationem Ecclesiae Anglicanae,|| 1351, indictione quarta, ponti-

\* Thomas Hatfield.

† John Kirby.

‡ Talyrandus de Petragoriis, who was also a Cardinal and Bishop of Alba.

§ A "decima biennalis" is thus defined in Ducange: "Biennium, or Bien, is a corvée 'tam hominum quam bestiarum'"; it may however mean here nothing more than a tenth to be paid on two successive years.

|| This phrase "Secundum computationem ecclesiae Anglicanae" is most usually found in dates between 1st January and 25th March, as in an inscription on a brass at Chartham, Kent, "Robertus Sheffelde . . . . qui obiit 18<sup>o</sup> die Martii, A.D. 1508 secundum computationem ecclesiae Anglicanae." In this document, on the contrary, it is used of the 18th of May, probably because it had by this time become a scrivener's formula.

ficatus sanctissimi in Christo patris et domini nostri Domini Clementis divina providentia Papae sexti anno nono, mēsis Maii die octavodecimo, in domo capitulari ecclesiae cathedralis beati Petri Eboracensis, ac mei notarii publici subscripti et testium infrascriptorum praesentia constitutus personaliter coram venerabili in Christo patre domino Johanne Dei gratia Karliolensi episcopo et discreto viro Magistro Gilberto de Weltoun dictae ecclesiae Eboracensis canonico\* asserentibus se venerabilis in Christo patris domini Willelmi Dei gratia Eboracensis archiepiscopi, Angliae primatis, ad tenendum ipsis die et loco quandam convocationem de praelatis et clero totius provinciae Eboracensis pro negotiis salvationem et utilitatem domini nostri Regis et Regni sui Angliae concernentibus inibi congregatis factam, et ad tractandum nomine suo cum eisdem commissariis specialiter deputatis et venerabilem in Christo patrem dominum Thomam dei gratia Dunelmensem episcopum ad comparandum ibidem citatum ut ipsi commissarii praetendebant praeconisari facientibus: discretus vir Magister Willelmus Legat ejusdem patris domini Dunelmensis episcopi procurator literatorie constitutus sub forma quae sequitur in haec verba: Vniversis pateat per praesentes quod Nos Thomas permissione divina Dunolmensis episcopus in omnibus et singulis consiliis ac cleri convocationibus per regnum Angliae ubicunque pro domini nostri Regis seu regni sui negociis faciendis quotiens nostram non exhibuerimus praesentiam personalem, dilectum clericum nostrum Magistrum Willelmum Legat nostrum verum et legitimum procuratorem actorem et negotiorum gestorem ordinamus facimus et constituimus per praesentes; dantes eidem procuratori nostro generalem potestatem ac mandatum speciale nomine nostro et pro nobis hujusmodi convocationibus interessendi, et in eisdem cum aliis praelatis et clericis tractandum ac sanum suum consilium de et super his quae salvationem seu utilitatem dicti domini nostri

\* Gilbert was Prebend of Oswaldwick in York Cathedral.



Regis aut Regni sui concernere poterunt impendendi, ac aliis quae Deo auctore inibi contigerit ordinari sic tamen et non alias, nec ultra quam quae exemptionis privilegium personae nostrae clericis ac rebus nostris a sede apostolica indultum maneat in omnibus et per omnia illibatum consentiendi. Permittentes nos ratum habituros et gratum quidquid per praefatum procuratorem nostrum in praemissis duntaxat actum gestumve fuerit aut procuratum, etiam si mandatum exigant speciale. Tenore tamen praesentium exhabundanti procuratori nostro comparendi nomine nostro seu pro nobis coram domino Eboracensi Archiepiscopo seu ejus quocumque ministro vi et virtute citationis praemunitiois vel monitionis parendi specialiter adunimus potestatem, cum simus ab ejus jurisdictione et subjectione omnimodis Apostolicae exceptionis privilegio notorie communiti. In quorum omnium testimonium sigillum nostrum praesenti procuratorio est appensum. Datum in manerio nostro de Midelham quartodecimo die mensis Maii, A.D. 1351, et nostrae consecrationis sexto. Quendam protestationem in scriptis redactam palam ibidem et publice perlegit, cujus tenor per omnia talis est: In Dei nomine, Amen. Audito per me Willelmum Legat, Cancellarium ac procuratorem sub certa forma deputatum domini Thomae Dei gratia Dunolmensis Episcopi ab omni et omnimoda jurisdictione ac subjectione venerabilis patris domini Eboracensis Archiepiscopi auctoritate apostolica notorie exempti, quod fiet hic in ecclesia Eboracensi hoc die Mercurii proximo ante festum Sancti Dunstani generalis convocatio cleri Eboracensis provinciae ad tractandum super negotiis salvationem et utilitatem domini nostri Regis et regni sui Angliae concernentibus, praecavens ne hujusmodi negotia praetextu absentiae domini mei praedicti, quod absit, impedimentum reciperent vel dilationem aliqualem, nomine domini mei praedicti hic compareo, dumtaxat juxta formam mihi in hac parte demandatam et non alias nec ultra. Protestor etiam palam et publice quod non est intentionis meae, seu dicti



domini mei, quod compaream nec etiam compareo auctoritate cujuscunque mandati, citationis, seu prae-munionis venerabilis patri Domini Eboracensis Archiepiscopi supradicti.

Qua quidem protestatione sic perlecta, praefatus Magister Gilbertus commissarius, ut praefertur, dicto Magistro Willelmo Procuratori protulit \*verba dicti collegae sui ex mandato ejusdem (?) praesens et habens in convocatione memorata\* ista verba,\* Magister Willelme, placet nobis et volumus habere dominum vestrum, quatenus dicta sua privilegia sibi concessa eidem valere potuerint, excusatum : et protestamur quod contra ipsa sua privilegia seu indulta nihil omnino intendimus attemptare. Acta sunt haec prout subscribuntur sub anno domini, indictione, pontificatu, mense, die, et loco, superius recitatis, praesentibus discretis viris Magistris Johanne de Whitechurche, canonico Sarum, necnon Adamo de Twiseldon, Adamo de Eborum, Johanne Heriae (?), et Willelmo de Langton, curiae Eboracensis advocatis, Johanne Roberti de Hakthorpe, Roberto de Hakthorpe, et Hugone de Flethman, Notariis publicis, et aliis praelatis et clericis in magno numero testibus ad praemissa rogatis. Et ego Johannes Thomae de Hakthorpe clericus Karliolensis dioecesis publicus, auctoritate apostolica notarius, praemissis omnibus et singulis dum sic agerentur prout subscribuntur, una cum praedictis testibus praesens interfui, eaque sic fieri vidi et audivi, scripsi et in hanc publicam formam redegi, meisque signo et nomine consuetis signavi rogatus in testimonium praemissorum.

xli. A Convocation was held on the Monday next after St. Nicholas' Day (9th May, 1356).

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\* The words " verba dicti collegae sui ex mandato ejusdem praesens et habens in convocatione memorata," are placed above between the lines (as an afterthought, in a contemporary hand and fainter) over the words "ista verba," as introduction to the short speech from "Magister Willelme" to "attemptare."

xlii. A Writ was issued by Archbishop John Thoresby in his own name (he being at the time a Papal Legate) for a Convocation to meet on 3rd June, 1356. In this Convocation a tenth was voted "in hope of emendation and reformation of gravamina, and also on certain conditions."\*

xliii. On a Royal Writ Archbishop Thoresby summoned the Bishop of Durham; but as Bishop Hatfield was then in London, the Archbishop sent, with his summons, a letter addressed to Michael Northburgh, Bishop of London, asking him also to cite Hatfield to appear in Convocation on the appointed day, 31st March, 1357.

xliv. A Royal Writ, dated 18th November, 1359, is witnessed by that unfortunate Prince, Thomas of Woodstock, fifth son of Edward III, as to whom Speed writes (p. 726), "His noble vertues, distempered with too much wilfulnesse and forward obstinacie, bred him first envie and after ruine." Cawode, whence the Archbishop's Mandate issued, was a splendid Archiepiscopal palace, situate on the banks of the Ouse some ten or eleven miles south of York. Hither, long after, Cardinal Wolsey retired on his disgrace, and here he was arrested on a charge of high treason by the Earl of Northumberland.

xlv. On a Royal Writ, Archbishop Thoresby summoned the Bishops of Durham and Carlisle to a Convocation to be held in York Minster on Wednesday, 12th February, 1360. Bishop Hatfield, in the document which follows, summons his clergy, through his Official, for the Monday after the Feast of the Conversion of St. Paul (27th January, 1360).

xlvi. The Archbishop's Mandate, addressed to the Bishops of Durham and Carlisle, and dated 22nd December, 1359, together with the usual Royal Writ, was followed by a Certificate from Bishop Hatfield, given below. It has a clear account of the Durham Protest; it also shows that the usual pretext, the Scottish invasion, was still available, although, in fact, there was quiet on the border in these years. The King uses his new title in this document, *rex Franciae*, not merely *Dux Aquitaniae*.

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\* See the Register of John Thoresby, A.D. 1356 (last folio but one).

Speaking of this Hatfield document (Reg., f. 39 a), Wilkins says that it "makes mention of a royal Writ, summoning the prelates and clergy of the York Province to be present at a Council Provincial to be holden on Monday next after the Conversion of St. Paul (viz., 27th January). But whether any other Writ was after this document sent to the Northern prelates, or whether the time is ill put in the Durham document, this he does not venture to say."

## XXXVIII.

The first page of this MS. has been an outside page, and is much rubbed on the left-hand side.

MEMORANDUM QUOD DICTUM CONSILIUM FUT CELEBRATUM  
IN ECCLESIA EBOR. XII DIE MENSIS FEBRUARII, ET  
SUPER HOC VENIT NOVUM MANDATUM, PROUT IN  
CERTIFICATORIO SEQUENTE PLENIUS CONTINETUR.

[Reg. Hatfield, Ep. Dunelm., f. 39 a. A.D. 1360].

<i>Certificatorium factum pro Concilio Ebor. celebrato.</i>	}	Venerabili in Christo patri Domino Johanni [Thoresby] Dei gratia Ebor. Archiepiscopo Angliae primati et sedis Apostolicae legato, ac confratribus vestris et aliis praelatis concilium facientibus, Thomas permissione etc.* salutem in eo qui est omnium vera salus. Literas vestras, venerabilis pater, recepimus xiiij <sup>o</sup> die Januarii ultimo praeteriti tenorem qui sequitur continentes; Johannes permissione divina Ebor. archiepiscopus, Angliae primas et apostolicae sedis legatus, venerabili fratri nostro domino Thomae Dei gratia Dunelmensi Episcopo suffraganeo nostro salutem et fraternam in Domino caritatem. Literas alias virtute brevis regii nobis directi et aliis legitimis de causis tunc nos moventibus concilium nostrum provinciale die Lunae proximo post festum Conversionis Sancti Pauli proxime jam futurum in majori ecclesia nostra Eboracensi celebrandum fore decrevimus; ex causis tamen quae noviter supervenerunt
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\* These two words are in a second hand above the line.

vobis in eventu plenius exponendum ipsum concilium nostrum in et ad diem Mercurii, viz. xij<sup>m</sup> diem Februarii proxime futurum praefato die Lunae in aliis prioribus literis nostris contento totaliter omisso, duximus fore celebrandum ; cujus brevis in hac parte nobis directi tenor per omnia talis est : Edwardus D. G. rex Angliae et Franciae et dominus Hiberniae venerabili in Christo patri J[ohanni], eadem gratia Archiepiscopo Eboracensi Angliae primati salutem. Considerantes gravia pericula quae tam per invasionem Scottorum quam aliorum inimicorum nostrorum nobis et regnum nostrum Angliae agentibus tam sanctae ecclesiae quam dicto regno nostro evenire verisimiliter formidantes, ac volentes hujusmodi periculis in quantum poterimus praecavere, vos rogamus quod attentis periculis . . . Episcopos et clerum vestrae provinciae, tam exemptos quam non exemptos, ad citius quo poteritis in loco competenti convocari et inter vos et ipsos de aliquo salubri et congruo remedio pro preservatione et defensione ecclesiae et regni praedictorum contra pericula praedicta ordinare curetis, et super hoc tam vobis quam dicto clero in vestris agendis teneamur specialius in futurum. Et hoc sicut nos et honorem nostrum ac salvationem et defensionem ecclesiae et regni praedictorum diligitis, nullatenus omittatis. Nolumus enim quod id quod sic ad rogatum nostrum feceritis cedat vobis aut dicto clero in praejudicium aut libertatis ecclesiasticae lesionem, vel trahatur in consequentiam in futurum. Teste Thoma filio nostro carissimo custode Angliae apud Wodestoke xviii<sup>o</sup> die Novembris anno regni nostri Angliae tricesimo, regni vero nostri Franciae xx<sup>mo</sup>.

Nos vero volentes super contentis in brevi regio praedicto et aliis variis negotiis statum et libertatem ecclesiae et cleri nostrarum diocesis et provinciae summe concernentibus, vobiscum et cum aliis praelatis dictarum nostrarum diocesis et provinciae apud Eboracum diebus infrascriptis conveniendi habere colloquium et tractatum, et eo praetextu Concilium nostrum provinciale ordina-

vimus ibidem tunc per Dei gratiam celebrandum: Vos tenore praesentium peremptorie citamus et per vos omnes et singulos Abbates et Priores electivos Abbates proprios non habentes, tam exemptos quam non exemptos, saltem quorum monasteria ecclesiastica beneficia infra nostram provinciam habuerint non exempta, necnon Decanos et praepositos ecclesiarum collegiarum et Archidiaconos vestrae dioecesis quoscumque, totumque clerum ejusdem dioecesis citari volumus, et mandamus, quatenus vos, domine Episcopo, praedictique Abbates Priores Decani Praepositi et Archidiaconi personaliter, singula vere capitula collegia et conventus locorum hujusmodi per procuratores singulos, totusque clerus vestrae dioecesis per duos procuratores sufficientes et idoneos dicto die Mercurii, viz. xij<sup>mo</sup> die mensis Februarii supradicti, cum continuatione et prorogatione dierum subsequen- tium, quatenus opus fuerit, coram nobis in ecclesia nostra Eboracensi praefata compareatis et compareant in dicto Concilio nobiscum et cum caeteris praelatis et procuratoribus cleri nostrarum civitatis et dioecesis et provinciae super his quae conservationem et defensionem ecclesiae et regni praedictorum ac statum et libertatem ecclesiae et cleri dictarum nostrarum dioecesis et provinciae, ut praemittitur, concernunt, vobis in eventu plenius exponendum tractaturos et super praemissis consilium vestrum providum impensuros facturos et recepturos quod ipsum sacrum consilium divina cooperante clementia duxerit ordinandum: vobisque domino episcopo praefatoque clero vestro expressius intimante quod contra absentes in forma canonica procedemus,—nullius sic absentis excusationem admissuros, nisi quatenus ad hoc artaverint canonicae sanctiones. Denuncietis insuper seu denunciari faciatis in genere caeteris omnibus et singulis vestrae dioecesis qui se gravatos senserint, quod in casibus illis quorum correctio seu reformatio ad concilium hujusmodi pertinere dinoscitur, audientia efficax per divinam clementiam eis in forma debita concordetur, et fiet eis in omnibus justitiae



complementum. De die vero receptionis praesentium et quid in praemissis feceritis, necnon de modo et forma quibus praesens mandatum executi fueritis nos dictis die et loco distincte et aperte certificetis per vestras lit ras patentes harum seriem et nomina citatorum per vos in hac parte plenius continentes. Valeat diutissime vestra cura fraternitas in Domino Jesu Christo. Datum apud manerium nostrum de Cawode viij<sup>o</sup> die Januarii, anno domini mcccclix<sup>o</sup> et translationis nostrae octavo.

Post quarum quidem literarum receptionem abbates priores archidiaconos decanos clerum ac ceteros nostrae diocesis sub forma in dictis literis contenta citari fecimus et praemuniri, quod die et loco in dictis literis contentis in dicto concilio compareant, facturi et recepturi quod tenor et forma dictarum literarum exigunt et requirunt. Vos vero eisdem die et loco, concedente domino, personaliter interesse proponimus ad tractandum vobiscum una cum caeteris praelatis et clero vestrae provinciae et ad consentiendum his quae ibidem ex deliberatione communi ad honorem Dei et utilitatem ac defensionem ecclesiae suae ac regis et regni et totius reipublicae, inspirante domino, contigerit ordinari. Privilegiis nostris et exemptionibus in omnibus semper salvis. Nomina vero citatorum in schedula praesentibus annexa plenius continentur. Datum in manerio nostro de Aukland viii<sup>o</sup> die mensis Februarii A.D. MCCCLIX et consecrationis nostrae xv.

Et memorandum quod die et loco praedictis in dicto concilio, proposito verbo Dei per dictum Archiepiscopum ac lecto certificatorio offici[arii] Curiae Eboracensis, praeconisatisque illis de diocesi Eboracensis, ac petito certificatorio domini Episcopi Dunelmensis tunc personaliter praesentis sur[r]exit Magister Johannes Gray legum doctor Cancellarius ejusdem et organum vocis suae constitutus quandam protestationem in scriptis redactam suo nomine et pro eo legit palam et publice in haec verba :—



xlvi. The Constitutions of Archbishop Thoresby, which were passed by one Convocation and afterwards amended in another, were issued by him from Thorp, (Bishopthorpe) on the 30th September, 1367.

The Constitutions of Archbishop John Thoresby were not in any sense the act of Convocation, though they were certainly read in Convocation and discussed. They deal with that well-known evil, the abuse of markets or fairs, with shows, and with unseemly sports on vigils and at the time of funeral ceremonies. They regulate the synodal constitutions ; arrange for the salaries of chaplains. Thence they pass to the carelessness of mothers or nurses, who often overlay babes ; and the Archbishop forbids father, mother, nurse, or anyone, to sleep with an infant, who should have his own cradle to himself. They then deal with tithe, alienations, and the dress manners and respectability of all clerics. The clergy were apparently still tempted to put on unseemly clothes : “ *vestes deferant nimia brevitatem ridiculas vel notandas ; nec in calciamentis quaerant gloriam vel decorem, sed in statu mentis et habitu corporis Deo et hominibus studeant complacere . . . .* Nonnulli tamen et clerici in sacris ordinibus et sacerdotio constituti, propriae dignitatis immemores et officii, ac ordinis clericalis honorem temere prosequentes, contra sacras constitutiones et poenas in eisdem ordinatas, vestes publice deferre presumpserint deformiter decurtatas, mediam tibiarum suarum seu genua nullatenus attingentes, ac contra decentiam et clericalis suae sacerdotalis ordinis honestatem, ad jactantiam et suorum corporum ostentationem et morum dissolutionem, absque rationabili causa et honesta sic deferre, et eis uti publice et communiter indies non desistunt in animarum suarum periculum, ordinis clericalis et ecclesiae Dei grave scandalum, aliorumque Christi fidelium exemplum perniciosum.” The Constitutions pass thence to cases of marriage and divorce, and of secret marriages. The Archbishop, finally, orders the Constitutions to be published, and that Rectors and Vicars have copies of them. And he informs us that the Statute was modified in the Provincial Council, so as to lessen the chances of excommunication for careless priests. Last of all, he reserves thirty-seven cases to his own

judgment. In a similar way Archbishop Islip in 1362 issues his declamatory Constitution, as may be read in Wharton, *Concilia*, III, p. 50.

xlvi. The following Mandate from the Bishop of Durham, Thomas Hatfield, arises out of the privileges conferred on the Palatine See by the Pope; it follows naturally from the Protest, which is printed elsewhere.

### XXXIX.

A MANDATE FROM THOMAS HATFIELD, BISHOP OF DURHAM, ADDRESSED TO HIS GENERAL VICAR, WILLIAM OF FARNHAM, TO APPEAR FOR HIM IN CONVOCATION. 1376.

Thomas, etc., dilecto filio magistro Willelmo de F[arnham] vicario nostro generali Dunolmensi salutem gratiam, et benedictionem. Literas venerabilis patris Archiepiscopi Eboracensis ad quas in praesenti mandato nostro referimus, et easdem cum eodem vobis transmittimus, noveritis nuper nos recepisse, tenore quarum literarum idem venerabilis pater auctoritate apostolica qua fungi se asseruit in hac parte nos monuit et firmiter injunxit ut summam octoginta xi li. ijs. et vjd. nos et clerum nostrorum civitatis et dioecesis quam pro rata portione contribuere teneri idem Archiepiscopus juxta calculationem inde factam scripserat in suis literis antedictis venerabilibus patribus Archiepiscopo Ravennas ac Archiepiscopo Rothomagensi nuper Carpentrensi nunciis apostolicis pro arduis negotiis inter regna Angliae et Franciae, ac Magistro Minionis praeposito ecclesiae Valentium legum doctore solveremus et realiter assignaremus nostris periculo sumptibus et expensis magistris Henrico Godebarne rectori de Hornse Commissario curiae nostra Ebor. ac Johanni Hanby ejusdem curiae Registratori apud Ebor. infra triginta dierum spatium post insinuationem et notificationem praedictarum literarum nobis factam immediate sequentium. Quocirca eadem auctoritate vobis committimus et mandamus

firmiter injungentes sub poenis et censuris in dictis literis seu processibus latis quatenus ad levandum praefatam summam si ipsa modo quo praemittitur debita fuerit, diligentiam quam poteritis adhibeatis, ita quod praedicta summa pecuniae personis praenominatis apud Eboracum infra terminum limitatum totaliter persolvatur, ne, quod absit, conscientia nostra aut vestra propter negligentiam in parte laesa fuerit quovismodo. De die vero receptionis praesentium ac praedictarum literarum domini Archiepiscopi Eboracensis, executionisque vestrae, et quid feceritis in praemissis nos certificetis per literas vestras patentes harum seriem continentes, Remittentes nobis nihilominus praedictas literas domini Archiepiscopi supradicti. Valete. Datum Londiniis xiiij<sup>o</sup> die mensis Junii anno domini etc. lxxvi<sup>o</sup> et consecrationis nostrae xxxi<sup>mo</sup>.

This document is followed by :—

(1) A Mandate to William of Farnham, Hatfield's Vicar General, to cite proctors of the clergy to Convocation. It carries with it an instruction that the Vicar General is to be "constituted the organ of our voice," *i.e.*, the Bishop's representative or proctor, to make the usual protest.

(2) A "Procuratorium pro Convocatione cleri," appointing William of Farnham and William of Bouland his full proctors for the same meeting.

## XL.

xlix. This Royal Writ shows how the King issued his summons when the Archiepiscopal throne was vacant. The document is found in the Close Rolls of 47 Edward III (1374). At that time the death of John Thoresby (6th November, 1373) had vacated the see, and his successor (Alexander Neville) was not consecrated till 4th June, 1374. At the time of this issue the Dean of York was also across the seas, so that the Writ is addressed to the Chapter.

[Rot. Claus., 47 Edw. III, m. 9, *dorso*]. (1374).

. . . Rex dilecto sibi in Christo capitulo ecclesiae beati Petri Eboracensis, decano ejusdem ecclesiae in

remotis agente, salutem. Qualiter nos, de avisamento bonae \*memoriae Johannis, ultimi archiepiscopi ecclesiae praedictae,\* ac aliorum praelatorum, magnatuum, et aliorum de consilio nostro, tam pro expeditione guerrae nostrae, ac iurium nostrorum, et coronae nostrae in partibus transmarinis [conservatione], quam propter necessariam defensionem regni nostri Angliae, et ecclesiae Anglicanae, quamplures dominos et alios fideles et ligeos nostros tam ultra mare ad partes transmarinas quam supra mare destinavimus, vos non credimus ignorare : ad quorum onerum supportationem absque adiutorio fidelium nostrorum non sufficimus, sicut scitis. Nos, ut dicta negotia, quae salvationem tam sanctae ecclesiae quam regni nostri praedicti veraciter concernunt, maturiori deliberatione valeant expediri, vobis in fide et dilectione, quibus nobis tenemini, rogando mandamus, quatenus attentis tam arduitate negotiorum praedictorum, quam periculis, quae pro defectu defensionis huiusmodi verisimiliter evenire possent, episcopos, decanos, et priores ecclesiarum cathedralium, abbates et priores, et alios electivos, exemptos et non exemptos, necnon archidiaconos, capitula, conventus, et collegia, totumque clerum dictae dioeceseos provinciae Eboracensis, ad comparendum coram vobis in ecclesia beati Petri Eboracensis, vel alibi, prout, etc.

## XLI.

1. This Writ of Bishop Hatfield, dated 27th April, 1378, is given as showing how, when Convocation had voted a subsidy, it was collected in the Dioceses. It should be noticed that this vote seems to have been specially agreed to, perhaps independently, by the Durham part of Convocation, for it says that it had been granted "by us and the other dignitaries and clergy of our city and diocese."

[Reg. Hatfield, Dunelm., f. 138 b].

<i>Commissio</i>	}	Thomas, etc., dilecto filio Priori ecclesiae nostrae Cathedralis Dunolm-
<i>ad levandum</i>		
<i>subsidium.</i>		

ensis, salutem gratiam et benedictionem.

\* In a fainter contemporary hand inserted above the line.

Cum per nos ac caeteros praelatos et clerum nostrarum civitatis et dioeceseos nuper in ecclesia Beati Petri Eboracensis in congregatione cleri provinciae domino Regi subsidium duarum decimarum de ecclesiasticis beneficiis dictarum nostrarum civitatis et dioeceseos liberaliter concessum fuerit pro defensione Regni, solvendum per aequales portiones ad duos terminos limitatos, videlicet in festo Inventionis sanctae Crucis et beatae Margaretae virginis proxime futuris, vos collectorem dicti subsidii deputamus assignamus et constituimus specialiter ad colligendum et levandum, colligi et levare faciendum, quascumque pecuniarum summas ratione praefatae concessionis domino nostro Regi debitas, et ad compescendum [et] compellendum quoscunque contradictores rebelles aut negligentes ad solutionem hujusmodi proportionibus ipsos et eorum beneficia contingentibus per sententiam majoris excommunicationis in persona et in loco suorum beneficiorum in et de jurisdictione nostra existentium, et ad impendendum eisdem et eorum cuilibet beneficium absolutionis cum id invenerint: committimus vices nostras cum cujuslibet alterius coerciones canonicae potestate. In cujus rei, etc. Datum apud Aukland xxvii<sup>o</sup> die mensis Aprilis anno domini, etc., lxxviii<sup>o</sup> et consecrationis nostrae xxxiii<sup>o</sup>.

## XLII.

li. The curious Protest of the Palatine Bishops of Durham, which was based on Papal exemption, continued to be gravely recited in Convocation down to a date well in the memory of many members of that assembly. The present Archdeacon of Durham has himself read his protest. The following documents are taken from the archives of the Palatinate Court at Durham. Together with this Episcopal Protest the Prior and the Capitular Proctor, or their successors the Dean and Chapter, the Archdeacons for themselves, and the proctors of the Archdeaconries, all read a like protest, one of which is given with the Episcopal document.

## PROTEST OF BISHOP THOMAS HATFIELD.

Reg. Hatfield, Dunelm., f. 39 b (94).

<i>Protestatio facta contra Mandatum Archiepiscopi per Episcopum Dunelmensem.</i>	}	IN DEI NOMINE, AMEN. Cum nos, Thomas permissione divina Dunol- mensis episcopus ex privilegio sedis Apostolicae nobis indulto sumus ab obedientia et subjectione omnimodis domini Archiepiscopi Ebor. et suc- cessorum suorum ac ecclesiae Eboracensis exempti et totaliter absoluti, protestamur palam et publice quod non intendimus per comparisonem nostram praesentem, nec per aliqua per nos seu nostro nomine dicenda propo- nenda seu quovis modo exercenda, privilegio et exemptioni nostris praedictis quomodolibet praejudicare, sed si qua per nos aut nostro nomine dici fieri aut aliquialiter proponi contigerit, quae in lesionem privilegii et exemptionis praedictorum tendere poterunt, volumus quod pro non dictis non factis et non propositis habeantur omnino.
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Qua protestatione sic lecta praefatus Johannes magister tradidit registratori dicti domini Archiepiscopi certificatorium praedictum, etc., et sic processerunt ulterius in Concilio cum continuatione et prorogatione iv<sup>r</sup> dierum subsequentium, et demum praelati et clerus concesserunt unam decimam annalem (*sic*) domino nostro regi solvendum ad festa Nativitatis S. Johannis Baptistae et Purificationis B. M. V. proxime futura per portiones aequales.

lii. The Protestation for the Dean of Durham, by his proctor, as read in Convocation, after the Protest of the Bishop; the Dean here representing the Prior of the Cathedral Convent.

I' C. D. the true and lawful proctor and special messenger of the Dean of the Cathedral Church of Christ and the blessed Mary the Virgin of Durham lawfully



constituted Do exhibit my proxy in writing for the said A. B. Dean of Durham, and do appear in this Convocation with a Protestation of adhering to and abiding by the privileges immunities exemptions and liberties granted to the said Cathedral Church of Durham; and this Protestation I desire to be inserted and enacted in all and singular sessions and acts made and to be made in this Convocation, and the same I insist and require to have taken as always repeated; upon all which I desire you the Notary Public or any other Notary Public here present to make me one or more public instrument or instruments, and the witnesses here present to give their testimony to the truth of the premises.

Similar protests were also made at length by the Archdeacons of Durham and Northumberland, by the proctor for the Chapter of Durham Cathedral, and by each of the proctors for the two Archdeaconries. There may have been more, but these were numerous enough to be a considerable waste of time, and were dropped altogether in the days of Archbishop Thomson.

#### XLIII.

liii. This Mandate of Bishop Hatfield, addressed to William of Farnham, is printed to show how jealously the Bishop of Durham protected the special privileges enjoyed by his see. He always received the Archiepiscopal Mandate with a protest, and issued this Durham Mandate to his Vicar General, instructing him to appear and make his protest in due form.

[Reg. Hatfield, Dunelm., f. 88].

Thomas, etc., dilecto filio Magistro Willelmo de F[arnham] vicario nostro generali, salutem gratiam et benedictionem. Percipientes quod ex plena deliberatione instantis parlamenti convocatio cleri et provinciae Cantuarensis nuper facta est in ecclesia cathedrali Londoniensi pro diversis causis contentis in quodam brevi regio directo venerabili patri Archiepiscopo Ebor.,

prout ex literis suis quas clausas recepimus, licuit evidenter ; cujus tenor sequitur in haec verba : Edwardus, D. G., etc. Quocirca cupientes ea quae defensionem et utilitatem regis et regni concernentia, promovere pro viribus, ut tenemur, licet ex privilegio sedis apostolicae nobis indulto ab obedientia et subjectione omnimodis domini Archiepiscopi Eboracensis et successorum et ecclesiae Ebor. fuerimus exempti et totaliter absoluti ; vobis mandamus firmiter injungentes quatenus auctoritate nostra citetis seu citari faciatis priorem ecclesiae nostrae Dunolmiae et capitulum ejusdem, ac universos abbates et priores et alios electivos, tam exemptos quam non exemptos, necnon decanos archidiaconos capitula conventus et collegia clerumque totius dioeceseos nostrae ac civitatis et di[oeceseos] Dunolmiae, quatenus dicti abbates priores decani archidiaconi personaliter, more solito, nisi de legitimo impedimento docere possunt ; eorundem capitula et collegia singula per procuratores singulos, clerusque per duos procuratores idoneos sufficienter instructos plenam et sufficientem potestatem ab ipsis conventibus capitulis collegiis et clero obtinentes, quod sint in ecclesia cathedrali et metropolitana Ebor. die Lunae proximo post festum S. Jacobi apostoli, viz. 28<sup>o</sup> die Julii proxime futuro, cum continuatione et prorogatione dierum sequentium, quatenus opus fuerit, tractaturi consilium sanum [et] providum impensuri super praemissis et ea concernentibus facturi ulterius et recepturi quod ibidem pro utilitate ecclesiae regni et cleri unanimiter et concorditer, disponente Domino, contigerit ordinari ; vosque pro illo die, si legitimum impedimentum habuerimus, quominus ibidem die praedicto possimus personaliter interesse, supplere volumus vices nostras, quas vobis committimus in ea parte, ne, quod absit, dilatio expeditionis regis aut regni negligentiae nostrae aut vestrae valeat imputari. Et specialiter vos constituimus organum vocis nostrae, ad protestandum pro nobis seu nomine nostro quod non intendimus per comparisonem nostram ibidem aut vestram seu alicujus

alterius nomine nostro comparaturi ibidem, nec per aliqua per nos seu nostro nomine dicenda proponendave ibidem, seu quovis modo exercenda, privilegio et exemptioni nostris quomodolibet praejudicare; sed si qua per nos aut nostro nomine dici fieri aut aliququaliter proponi contigerit, quae in laesionem privilegii et exemptionis praedictarum tendere poterunt, volumus quod ipsa pro non dictis factis et non propositis habeantur omnino. De die vero receptionis praesentium, et qualiter hoc mandatum nostrum fueritis executi, necnon de nominibus abbatum, priorum, archidiaconorum, decanorum, et procuratorum conventuum, capitulorum, collegiatorum, et cleri praedictorum per vos in hac parte citatorum, nos cum omni celeritate quam poteritis ante diem Lunae certificetis distincte et aperte per literas vestras patentes harum seriem continentes, nisi aliud a nobis interim habueritis in mandatis. Valete. In cujus rei, etc. Datum Londoniis 17<sup>o</sup> die mensis Junii, A.D. MCCCCLXXVI et consecrationis nostrae xxxi<sup>o</sup>.

liv. Edward III had issued a Writ for Convocation to be holden at York; and in obedience to it Archbishop Alexander Neville issued his mandate, that it should be held on the 15th April, 1377; this, however, somehow fell through, and no Convocation took place before the King's death on the 21st June, 1377. After that his successor, Richard II, sent a peremptory Writ to the Archbishop, dated the 29th September, 1377, asking for a bounteous aid and a prompt reply. Convocation, however, showed no sign of haste, and indeed deferred it as long as they dared. In the end they reluctantly voted a "decima biennalis" on the 4th January, 1378. As, however, the pressure was sharp, the Archbishop summoned a Convocation in order that the time of payment should be advanced; Convocation, still very reluctant, agreed to quicken the payment, by a vote taken on the 22nd March, 1378. The Archbishop then sent out the letter here printed, to show with what great difficulty he had obtained the consent of Convocation to the Royal wishes. This letter urges the assembly to use liberality by alleging the significant fact

that John of Gaunt, Duke of Lancaster, was about to set forth on a journey, and would therefore need a good supply of money.

[Reg. Hatfield, Dunelm., f. 89 v.]

Noverint universi per praesentes quod nos Thomas Dunolmensis Episcopus constituimus fecimus et ordinavimus nostros veros et legitimos procuratores et nuncios speciales licet absentes tanquam praesentes discretos viros Magistros Willelmum de Farnham, Willelmum de Bouland clericos nostrae Dunolmensis dioeceseos citra revocationem aliorum procuratorum nostrorum et quemlibet eorum in solidum, ita quod non sit melior conditio occupantis sed quod unus eorum inceperit quilibet eorum licite prosequi valeat mediare et finire dantes eisdem potestatem generalem et mandatum speciale ad comparandum pro nobis et ecclesia nostra in Convocatione cleri facienda \*seu concilio ibidem celebrando\* die Lunae proximo post festum Sancti Jacobi Apostoli cum protestatione per nos aut nomine nostro in hujusmodi Convocatione fieri consueta et ad consentiendum libere omnibus quae ibidem duntaxat pro utilitate Regis et regni Angliae contigerit ordinari, et allegandum causas absentiae nostrae, protestandi provocandi et appellandi, provocationum et appellationum causas persequendi coram quibuscunque Judicibus competentibus, et ad omnia praemissa et singula substituendi et substitutum seu substitutos revocandi et procuratoris officium in se reafirmandi quotiens et quando eisdem procuratoribus aut eorum alicui videbitur expedire, provocationes et appellationes notificandum intimandum et insinuandum adimenes tum ab eis et ab eorum quolibet specialiter omnimodam potestatem in dicta Convocatione die praedicto aut aliis si ipsam prorogari contingat aut alibi in Judicio seu extra nomine nostro aliquando actum exercendum transigendum aut componendum aut quovis alio modo

\* Added in a different hand in the margin.

attemptando per quae privilegiis exemptionis nostrae quo nos una cum certis clericis et officiariis nostris ab omnimoda subjectione Reverendissimi patris Archiepiscopi Eboracensis Decani et Capituli ac quorumcunque praefatae Eboracensis ecclesiae sumus auctoritate apostolica penitus absoluti praejudicari aut derogari poterit quovismodo, promittentes nos ratos igitur habituri quidquid dicti procuratores nostri seu nuncii aut eorum substituti aut alicujus substitutus eorundem egerint fecerint seu procuraverint in praemissis seu aliquo praemissorum, et in omnibus et singulis quae nos absque praejudicio seu derogatione vel abusu dictorum privilegiorum exemptionis nostrae personaliter facere possemus si nos personaliter facere possemus si nos personaliter contigerit interesse. In cujus rei, etc. Datum Londoniis ix<sup>o</sup> die mensis Julii A.D. etc. lxxvi<sup>o</sup> et consecrationis nostrae tricesimo primo.

## XLIV.

A letter from Alexander Neville, Archbishop of York, to King Richard II, certifying the manner of a vote of a "decima biennalis, etc.," and dated 24th March, 1377-8.\*

[Reg. Appleby, Carl., f. 308].

Serenissimo principi et domino, Domino Ricardo, Dei gratia, etc. Alexander, etc., salutem. Breve vestrum regium nuper recepimus in haec verba: Ricardus, Dei gratia, rex Angliae et Franciae, dominus Hiberniae, venerabili in Christo patri, etc., salutem. Qualiter inimici nostri Franciae et alii sibi adhaerentes inter se alligati et undique hostiliter congregati regnum nostrum Angliae in pluribus locis per terram et per mare saepius invaserint, mala quamplurima et intolerabilia nobis et ligeis nostris inferendo, et non solum ad hoc contenti

\* There is some error in the reference in Wharton's *Concilia*, in which this document is said to be found in the Register of Bishop Appleby of Carlisle, f. 292. This document, however, does not appear on that folio; on f. 308 there is a document, a brief of a like tenor, with large variations. The text follows this document, which is dated 30th March, 1379.



dictum regnum nostrum et ecclesiam sanctam nosque et totam linguam Anglicanam subvertere et destruere de die in diem totis viribus se conantur, nisi eorum malitiis, adjuvante Deo, fortius resistatur, vos non credimus ignorare; unde in salvationem status ecclesiae sanctae, regni ac populi nostrorum necessariam defensionem, sumptus ac census et expensas inestimabiles\* effundere nos oportet: verum quia† ad ipsorum onerum ac sumptuum supportationem absque juvamine fidelium nostrorum non sufficimus, sicut scitis; vobis in fide et dilectione, quibus nobis tenemini, rogando mandamus, quatenus consideratis tam arduitate negotiorum praedictorum, quam grandibus periculis, quae ecclesiae et regno praedictis oculata fide imminere conspiciatis, attentis debite et consideratis, suffraganeos vestros, etc. ad comparendum coram vobis in ecclesia Sancti Petri Eboracensis vel alibi, prout expediri videritis, ad diem quem poteritis, more solito convocari faciatis; et breviorē eis dictis negotiis et periculis ibidem plenius expositis et declaratis, et ipsos ad subsidium in hoc casu competens et necessarium in supportationem dictorum onerum et sumptuum nobis concedendum eo specialius, et cum efficacia qua magis sciveritis, vel poteritis, tanta necessitate causante, inducatis, et partes vestras ad hoc effectualiter apponatis, nos in cancellaria nostra de quantitate subsidii illius, ac de terminis solutionis ejusdem certificantes. Et hoc sicut nos et honorem nostrum ac salvationem et defensionem ecclesiae et regni praedictorum diligitis nullatenus omittatis. Teste meipso apud Westmonasterium xvi<sup>o</sup> die Martii, anno regni nostri secundo. Cujus brevis vigore praelatos et clerum nostrarum civitatis, dioeceseos et provinciae ad diem Martis, videlicet primum diem mensis Decembris ultimo

\* The copy followed by Wharton here diverges thus:—*inestimabiles*, "et aliquo tempore praeterito, magis solito grandiores effundere nos oportet."

† After "quia" Wharton reads "quia de copia thesauri, vel bonorum, in primordiis nostri regiminis, nec mirum, penitus alieni," ad ipsorum, etc.



praeteritum, in ecclesia nostra Ebor. nobis tunc Londoniis ex causa parlamenti vestri existentibus, convocari, et per certos nostros commissarios ibidem hujusmodi convocationem celebrari fecimus solenniter et teneri. Qui quidem praelati et clerus aliquod subsidium notabile tunc concedere distulerunt, licet ad hoc dicti commissarii nostri ipsos viis et modis, quibus poterant, inducere laborarunt; et propterea iidem commissarii nostri praefatam convocationem ad diem Lunae, videlicet quartum diem Januarii extunc proxime sequentem, continuaverunt.

Quibus die et loco personaliter interfuimus, ac dictis praelatis et clero inibi convocatis, omnia et singula in dicto brevi vestro contenta, et alia quae dictos praelatos et clerum ad concessionem subsidii allicere debuerant exposuimus diligenter. Super quibus sic expositis, habita deliberatione, tam dicto die Lunae, quam diebus sequentibus plenius, dicti praelati et clerus alligarunt se variis quidem importabilibus oneribus plus solito incumbentibus gravatos multipliciter et depressos, praesertim propter hostiles invasiones Scotorum, quos verisimiliter formidabant quasi indies in foribus imminere. Demum tamen post longos tractatus per nos cum eisdem habitos, dicti praelati et clerus decimam biennalem de bonis et beneficiis suis ecclesiasticis et temporalibus spiritualibus annexis primam videlicet decimam integre solvendam in festo Inventionis S. Crucis proximo futuro et alteram in festis Sancti Andreae apostoli et Annunciationis Beatae Mariae Virginis extunc proximo sequentibus per aequales portiones secundum novam taxam gratuito concesserunt. Post modum vero 26<sup>o</sup> die mensis Februarii recepimus literas vestras, sub privato sigillo vestro nobis directas, per quas nos rogastis et firmiter onerastis, quod ratione viagii domini ducis Lancastriae et aliorum nobilium, in ultimo parlamento conducti et concordati, accelerationem solutionis dictae biennalis decimae procuraremus, et interponerimus ad hoc cum effectu diligentiae nostrae partes; ac propterea de novo convocari

dictos praelatos et clerum nostrae provinciae faceremus. Nos vero semper votis vestris complacere cupientes, convocationem nostram die Lunae, videlicet xxii<sup>o</sup> mensis Martii, celebrari fecimus et teneri. Quo die congregatis praelatis, et clero dictarum nostrarum civitatis dioecesis et provinciae vestris literis prius eisdem et nobis sub sigillo privato directis publice lectis, diversa pericula, quae isti regno, nisi Deus avertat, imminent in praesenti, ac alia, quae eos rationabiliter movere deberent, ad conformandum se concessionibus praelatorum et cleri provinciae Cantuariensis exposuimus, et exponi fecimus multum. Considerantes tandem necessariam defensionem ecclesiae regni et populi praedictorum, ac volentes votis vestris in primordiis vestris complacere, quantum possint solutionem dictae biennalis decimae de bonis et beneficiis suis ecclesiasticis et temporalibus spiritualibus annexis, faciendae ad festa apostolorum Philippi et Jacobi et B. Margaretae virginis proxime futura per aequales portiones secundum novam taxam liberaliter annuerunt, etc. Ad regimen populi vobis commissi conservet vos altissimus per tempora longiora. Datum apud Cawode 24<sup>o</sup> mensis Martii A.D. MCCCLXXVII et nostrae consecrationis quarto.

lv. On the 16th March, 1379, Richard II addressed a Writ to the Archbishop of York, bidding him convoke the Clergy of his province. They met at York on the 21st April, 1379, and agreed, considering the urgency of the times, to grant the King a liberal aid. It was arranged accordingly that everyone should tax himself on the value of his benefice; that the Archbishop should pay as his subsidy 10 marks in the £; the rest of the Bishops, the Mitred Abbots, and such Abbots and Priors as were peers of the realm, together with the priors of Cathedral Churches, should pay each 6 marks; and the rest of the beneficed clergy should be taxed in accordance with the value of their goods, and their ecclesiastical benefices.

lvi. In this year, 1379, Bishop Hatfield "infirmirate non modica jam detentus" appointed proctors, and stayed away: he was Bishop of Durham for 36 years, and died on the 8th May, 1381.

## XLV.

This Writ of Bishop Hatfield contains a long Mandate from Archbishop A. Neville, and the Durham protest in a short form, and states the Bishop's intention not to be present personally.

[Reg. Hatfield, Dunelm., f. 171 b-172 a].

Thomas, etc., dilectis filiis, etc. Commissionis literas venerabilis in Christo patris domini Allexandri Archiepiscopi Ebor. Angliae Primatis et apostolicae sedis Legati, cum protestatione debita et consueta recepimus sub hac forma; Allexander permissione divina Ebor. Archiepiscopus Angliae primas et apostolicae [sedis] legatus venerabili fratri nostro domino Thomae D. G. Dunolm. suffraganeo nostro salutem et fraternam in domino caritatem. Breve regium nuper recepimus in haec verba, Ricardus D. G. Rex Angliae et Franciae et dominus Hiberniae venerabili in Christo patri A. eadem gratia Archiepiscopo Ebor. Angliae primati salutem. Qualiter inimici nostri Franciae et alii sibi adhaerentes inter se alligati et undique hostiliter congregati regnum nostrum Angliae per terram et per mare saepius invaserint, mala quam plurima et intolerabilia nobis et ligeis nostris inferendo, et non solum de hoc contenti dictum regnum nostrum et ecclesiam sanctam nosque et totam linguam Anglicanam subvertere et destruere de die in diem totis viribus se conantur, nisi eorum malitiae, adjuvante Deo, fortiter resistatur, vos non credimus ignorare, unde in salvationem status ecclesiae sanctae et regni ac populi nostrorum necessariam defensionem sumptus ac census et expensas inestimabiles effundere nos oportet, verum quod ad ipsorum onerum et sumptuum supportationem absque juvamine fidelium nostrorum non sufficimus sicut scitis, Vobis in fide et dilectione, quibus nobis tenemini, rogando mandamus quatenus tam arduitate negotiorum praedictorum quam grandibus periculis quae ecclesiae et regno praedictis oculata fide im[m]inere conspiciatis attentius et debite consideratis suffraganeos vestros

Nota contra  
Archiepiscopum  
Ebor.

Decanos et priores ecclesiarum Cathedralium Abbates et Priores et alios electivos, exemptos et non exemptos, necnon Archidiaconos Capitula Conventus et Collegia totumque clerum cujuslibet dioeceseos dictae provinciae ad comparandum coram nobis in ecclesia beati Petri Eboracensis vel alibi prout expedire videritis ad breviorum diem quem poteritis more solito convocari faciatis, et eis dictis negotiis ac periculis ibidem plenius expositis et declaratis ipsos ad subsidium in hoc casu competens et necessarium in supportationem dictorum onerum et sumptuum nobis concedendum, eo specialius et cum efficacia qua magis sciveritis vel poteritis tanta necessitate causante inducat, et partes vestras ad hoc effectualiter apponatis, nos in Cancellaria nostra de quantitate subsidii illius ac de terminis solutionis ejusdem certificantes. Et hoc sicut nos et honorem nostrum ac salvationem et defensionem ecclesiae et regni praedictorum diligitis nullatenus omittatis. Teste me ipso apud Westmonasterium secundo die Decembris, anno regni nostri tertio. Nos vero volentes super contentis in praefato brevi regis et aliis variis negotiis statum et libertatem ecclesiae et cleri nostrarum civitatis et dioeceseos et provinciae summe concernentibus, vobiscum et cum aliis praelatis dictarum nostrarum dioeceseos et provinciae apud Eboracum diebus infrascriptis habere colloquium et tractatum et eo praetextu consilium nostrum provinciale ordinavimus ibidem tunc per Dei gratiam celebrandum, vos tenore praesentium peremptorie citamus, et per vos priorem ecclesiae vestrae Dunolmensis et Capitulum ejusdem, omnes et singulos Abbates et Priores electivos Abbates proprios non habentes, tam exemptos quam non exemptos, necnon decanos et praepositos ecclesiarum collegiatarum et Archidiaconos vestrae dioeceseos quoscunque totumque clerum ejusdem dioeceseos, tam promotos quam non promotos, infra sacros ordines constitutos, necnon advocatos procuratores Notarios non conjugatos citari volumus et mandamus, quatenus vos Domine Episcopo praedictique Abbates

Priores Decani praepositi et Archidiaconi personaliter, singula vero capitula collegia et conventus locorum hujusmodi per procuratores singulos, totusque clerus vestrae dioeceseos prout superscribitur per duos procuratores sufficientes et idoneos die Mercurii, videlicet quarto die mensis Aprilis proximo futuro cum continuatione et prorogatione dierum subsequentium, quatenus opus fuerit, coram nobis in ecclesia cathedrali beati Petri Ebor. compareatis et compareant in dicto consilio nobiscum et cum praelatis et procuratoribus cleri nostrarum civitatis dioeceseos et provinciae, super his quae conservationem et defensionem ecclesiae et regni praedictorum ac statum et libertatem ecclesiae et cleri nostrarum civitatis dioeceseos et provinciae ac contenta in dicto brevi regio concernunt vobis in eventu plenius exponendum, tractaturi et super praemissis consilium vestrum providum impensuros facturos et recepturos, quod ipsum sacrum consilium, divina cooperante clementia, duxerit ordinandum vobisque domino Episcopo praefatoque clero vestro intimamus expresse quod contra absentes in forma canonica procedemus, nullius sic absentis excusationem admissuros, nisi quatenus nos ad hoc artaverint canonicae sanctiones. Denunciatis insuper seu denunciari faciatis in genere ceteris omnibus et singulis vestrarum civitatis et dioeceseos qui se gravatos senserint quam in casibus illis quorum correctio seu reformatio ad Consilium hujusmodi pertinere dinoscitur andientia efficax per divinam clementiam eis in forma debita concedetur et fiet eis in omnibus justitiae complementum. De die vero receptionis praesentium et quid in praemissis feceritis, necnon de modo et forma quibus praesens mandatum executi fueritis, nos dictis die et loco distincte et aperte certificetis per vestras literas patentes harum seriem et nomina citatorum per vos in hac parte plenius continentes. Valeat diutissime vestra cara fraternitas in Domine Jesu Christo. Datum in manerio nostro juxta Westmonasterium v<sup>o</sup> die mensis Martii A.D. 1379, et nostrae consecrationis sexto. Quo circa ea quae defensionem et utilitatem Regis et regni



concernentia promovere pro viribus, ut tenemur, licet ex privilegio sedis apostolicae nobis indulto ab obedientia et subjectione omnimodis domini Archiepiscopi Eborum et successorum suorum ac ecclesiae Eborum fuerimus exempti et totaliter absoluti vobis et cuilibet vestrum quatenus debitam executionem dicti mandati auctoritate regia per dictum dominum Archiepiscopum, nobis transmissi fideliter et plene exequamur vel exequatur aliquis vestrum. Et quia aliis variis et arduis negotiis sumus et erimus multipliciter impediti quominus in dicta Convocatione pariter interesse poterimus ad omnia et singula supradicta facienda et expedienda, quae per nos fieri requiruntur in ea parte, vobis et cuilibet vestrum committimus vices nostras ne, quod absit, dilatio expeditionis Regis aut regni negligentiae nostrae aut vestrae valeat aliququaliter imputari. Et specialiter tenore praesentium constituimus vos et quemlibet vestrum organum vocis nostrae ad protestandum pro nobis nomine nostro ecclesiae et clericorum nostrorum in forma in hujusmodi Convocatione fieri consueta. De die vero receptionis praesentium et qualiter hoc mandatum nostrum fueritis executi, necnon de nominibus Abbatum Priorum Archidiaconorum Decanorum praepositorum ac procuratorum Conventuum Capitulorum Collegiorum advocatorum procuratorum et notariorum [et] aliorum quorumcunque per vos in hac parte citatorum dictum Archiepiscopum cum omni celeritate qua poteritis in die Mercurii <sup>iii</sup>j<sup>o</sup> die mensis Aprilis certificetis distincte et aperte per literas vestras patentes harum seriem continentes, nisi aliud a nobis habueritis in mandatis. Valete. Datum in hospitio nostro Londoniis sexto die mensis Martii A.D. 1379. Et consecrationis nostrae tricesimo quinto,

lvii. A Convocation sat on the 4th April, 1380, and voted a subsidy.

lviii. And, less than a year after this, on the 6th January, 1381, another Convocation was held, and again voted an aid. The King's word was urgent. His expedition into Brittany in 1380 had exhausted all his funds: England



was full of discontent ; the days of Wat Tyler were drawing very near.

lix. It is interesting to note a late citation to Parliament at this time. This was a citation by the Archbishop of York to the Prior and Convent of Durham to send Proctors to the Parliament at Westminster, 9th August and 10th September, 1381.

lx. A Royal Writ went out on 14th January, 1382, for a Convocation, and another, dated 14th September, 1382, summoned a Convocation, which met on the 15th December, 1382.

lxi. A Mandate of Archbishop Neville for Convocation on 21st January, 1384.

lxii. A Convocation was held in York Minster on the day after the Translation of St. Thomas the Martyr, 8th July, 1384, and another on the morrow of St. Hilary's Day, 14th January, 1385.

#### XLVI.

The following Writ issued by Uthred Bolton, at the time Prior of Finchale near Durham, shows how a dignitary of his standing, who also had been Warden of Durham College in Oxford, and had been attacked with all virulence by a hot partisan of the Friars, had a right to a seat in Convocation, not for Finchale, or for his eminence, but because Giggleswick in Western Yorkshire had been granted to him as Prior. Uthred was "a man of the highest character and one of the most learned of the Benedictines of his time."

#### PROCURATORIUM UTHREDI.

[Treasury, Durham, loc. xx, 2.]

Pateat universis per praesentes quod nos Frater Uthredus Prior Prioratus de Fynkhall Dunelmensis dioeceseos habens ecclesiam parochialem de Giggleswyk Eboracensis dioeceseos nobis et confratribus nostris Prioratus praedicti canonice unitam et annexam, ad comparendum pro nobis et ecclesiam nostram praedictam in instanti Sinodo Beverlaci die Jovis proximo post

festum Sancti Michaelis Archangeli proxime futurum celebranda, ac causas absentiae nostrae et excusationes nostras a personali comparatione in dicta Sinodo, ac impedimenta nostra in hac parte alleganda proponenda et probanda, ulteriusque faciendum exercendum et expediendum omnia et singula quae nos in dicta sinodo facere tenemur; et nos ac ecclesiam nostram praedictam concernere poterunt seu deberent, dilectum nobis in Christo Ricardum de Rypon clericum Dunelmensis dioeceseos procuratorem nostrum, negotiorum gestorem, ac nuncium specialem facimus constituimus et ordinamus per praesentes. Ratum et gratum habituri quicquid dictus procurator noster fecerit in praemissis. In cujus rei testimonium quum sigillum nostrum pluribus est incognitum, sigillum domini Dunelmensis episcopi Officiarii apponi procuravimus. Et nos officarius antedictus ad instantiam et rogatum praedicti reverendi viri domini Uthredi Prioris Prioratus praedicti sigillum officii nostri apponi fecimus in fidem et testimonium praemissorum. Datum Dunelmiae primo die mensis Octobris A.D. 1386.

Endorsed.—Procuratorium prioris de Fynkal pro ecclesia sua de Gigleswyk in sinodo de Eboracum.

#### XLVII.

The following Bull of Boniface IX shows that at the end of the fourteenth century the Prior of Durham College at Oxford had the right of appearing in Synods and Convocations by proxy.

BULLA BONIFACII IX DE COMPARENDI IN SYNODIS ET CONVOCATIONIBUS PER PROCURATORES TANTUM, RATIONE ECCLESiarUM APPROPRIATARUM COLLEGIO OXONIENSI.

[Wharton, *Concilia*, II, 618, 619].

Bonifacius episcopus servus servorum Dei, ad perpetuam rei memoriam. Sedes apostolica rerum temporalium et etiam spiritualium provida ministratrix,

ac liberalitatis honestae circumspecta distributrix, et cujusvis commendabilis exercitii perpetua et constans adjutrix, personas literarum studiis insistentes, per quae divini nominis et fidei catholicae cultus protenditur, justitia colitur tam publica quam privata, omnisque utilitas humanae conditionis augetur, ut scientiae margaritam commodius acquirere possint, favoribus prosequitur gratiosis, easque juvat et fovet, non ignorans quanta propterea ecclesiae militanti, universali reipublicae commoditas praesidium atque decus praeparantur et adsunt. Sane dudum felicitis recordationis Urbani papae VI praedecessoris nostri, pro parte dilectorum filiorum prioris et capituli ecclesiae Dunelmensis Ordinis S. Benedicti exposita, quod olim bonae memoriae Thomas episcopus Dunelmensis ad exaltationem fidei orthodoxae et divini cultus augmentum, et pro incremento studii theologiae facultatis in villa Oxoniensi Lincolniensis dioeceseos, in qua viget studium generale, Collegium quoddam pro sexdecim personis, quarum Octo monachi praedictae ecclesiae Dunelmensis per praedictos priorem et capitulum ponendi et surrogandi seu substituendi, et Octo aliae personae clerici seculares, quos ipsi prior et capitulum ducerent eligendos, existerent, qui ibidem in S. Theologia et in Artibus studere deberent, fundari et construi facere proposuerat, sed morte praeventus hujusmodi propositum minime adimpleverat ;—quodque carissimus in Christo filius noster Ricardus, rex Angliae illustris, desiderans quam plurimum hujusmodi pium propositum dicti episcopi confovere, pro hujusmodi Collegio dote jus patronatus parochialium ecclesiarum de Frampton et Bossall, ac de Rodington et de Fyshelake praedictarum Lincolniensis et Eboracensis dioecesium ad ipsum regem pertinentium, dare et assignare proponebat ; idem praedecessor venerabili fratri episcopo Dunelmensi suis dedit literis in mandatis, ut praefatas parochiales ecclesias cum omnibus juribus et pertinentiis suis eidem Collegio auctoritate apostolica incorporaret uniret et annecteret, prout in dictis literis plenius continetur.

Postmodo vero, sicut exhibita nobis nuper pro parte dictorum prioris et capituli petitio continebat, praefatae ecclesiae dicto Collegio dictarum literarum vigore incorporatae unitae et annexae fuerant, ipsique prior et capitulum unum priorem dicti Collegii ex numero dictorum octo monachorum, qui caeteris pro tempore residentibus praeest, deputarunt hactenus et deputant de praesenti. Cum autem, sicut eadem petitio subjungebat, venerabiles fratres nostri archiepiscopus Eboracensis et episcopus Lincolniensis in quorum dioecesibus ecclesiae ipsae, ut praefertur, consistunt, priorem hujusmodi Collegii, qui est pro tempore, ut in synodis una cum aliis clericis suarum civitatum hujusmodi dioeceseos per ipsos pro tempore tenendis, personaliter intersit, praedictarum ecclesiarum ratione arctent et astringant, praefatumque Collegium ab Eboracensi et Lincolniensi ecclesiis non modicum distet, ipseque prior hujusmodi Collegii non sine gravibus laboribus et expensis possit eisdem synodis personaliter interesse; pro parte prioris et capituli ecclesiae Dunelmensis praedictorum nobis fuit humiliter supplicatum, ut ipsis et personis Collegii praedicti super hoc providere de benignitate apostolica dignaremur. Nos itaque hujusmodi supplicationibus inclinati, auctoritate apostolica tenore praesentium statuimus et etiam ordinamus, quod deinceps perpetuis futuris temporibus prior ecclesiarum Dunelmensis vel Collegii hujusmodi, qui pro tempore fuerit, aut aliquis ex personis ecclesiae vel Collegii praedictorum ad comparandum coram archiepiscopo vel episcopo praefatis, seu ab eis aut aliquo ipsorum deputando vel deputandis, in synodis hujusmodi, seu alias tempore visitationum aut Convocationum Cleri hujusmodi suarum civitatum et dioecesium ratione dictarum ecclesiarum, dummodo id per procuratorem vel procuratores idoneum vel idoneos suppleant, comparere, aut synodis vel visitationibus aut Convocationibus hujusmodi interesse personaliter minime teneantur, nec ad id inviti per archiepiscopum aut episcopum seu alios quavis auctoritate suffultos, valeant coarctari; non

obstantibus consuetudinibus apostolicis, necnon statutis et consuetudinibus provincialibus et synodalibus, ac aliis contrariis quibuscunque :—Nos enim ex nunc irritum decernimus et inane, si secus super his a quoquam quavis auctoritate scienter vel ignoranter contigerit attemptari. Nulli ergo omnino homini liceat hanc paginam nostrorum statuti ordinationis, et constitutionis infringere, etc. Datum Romae apud S. Petrum xij<sup>o</sup> Kal. Maii pontificatus nostri Anno viij<sup>o</sup> ; MCCCXCVI.

lxiii. In 1387 there were three Royal Writs out for Convocation ; the first for the Monday next after St. George's Day, 23rd April, 1387 ; the second for the Vigil of SS. Simon and Jude, 27th. October, 1387 ; and the third for the Translation of St. Edward the Confessor, 13th October, 1387.

lxiv. A Convocation was held on the 10th February, 1388.

lxv. In the vacancy of the Archiepiscopal see, the Royal Writ was addressed to the Dean and Chapter of York, as Custodes Spiritualitatis, to call a Convocation. There came a delay, till Thomas FitzAlan of Arundel, then Bishop of Ely, was consecrated Archbishop of York towards the close of 1388. The King addressed another Writ to him, dated 18th December ; and the new Archbishop summoned a Synod or Convocation to sit on the 24th January, 1389. There was the usual reluctance ; it was only on great pressure that Convocation was induced to vote an aid.

#### XLVIII.

A Convocation was held in York on the Monday after St. Clement's Day, 23rd November, 1391. The certifying letter of the Archbishop, dated 14th March, 1392, shows that the Clergy were still recalcitrant.

Placet clero provinciae Eboracensis quod dictus rex habeat medietatem unius decimae levandam de dicta provincia secundum novam taxam beneficiorum ejusdem provinciae, exceptis monasteriis, etc., quae in ultima invasione Scotorum in illis partibus totaliter fuerunt

destructa . . . . . quanta cum difficultate subsidium hoc concesserint, quia praelati et clerus allegarunt se infelicitate fructuum et inimicorum invasionibus et aliis quam plurimis quasi importabilibus oneribus plus solito incumbentibus gravatos multipliciter et oppressos.

Yet history does not show that border troubles were unusually destructive at this time; there were doubtless constant small raids and mischief going on, from which the religious houses, so tempting to the raider, suffered severely.

lxvi. Richard II issued a Writ for Convocation at York to be held on the Wednesday next after St. Peter in Cathedra (22nd February, 1393). This Writ asked for "a competent Subsidy." Convocation assented, and voted him the "Mediety\* of a tenth on all taxed benefices without conditions," and two more Medieties on certain conditions, viz., one, if the King crossed into Scotland or Ireland with an armed host, and a third mediety if he passed over to France. If he did not go to any of these parts, the second and third Mediety should not be levied, and should be as if not voted at all.

lxvii. There was a Convocation on the 1st March, 1394.

lxviii. In 1395 Convocation appears to have met four times: on the 7th March, 1st June, 20th July, and 1st October.†

## XLIX.

The following Writ from the Official of Walter Skirlaw, Bishop of Durham, is printed here to show how the election of Proctors for Convocation was carried out. The Rural Dean, the Decanus Christianitatis of the Diocese, is instructed to summon the Prior and Chapter of Durham, the Archdeacon of Durham, and the Clergy to meet in St. Nicholas' Church in Durham, then as now the City church, though rebuilt from the ground. This appears to have been a part of the official duties of the Dean of Christianity.

\* A medietas is the half of a tenth; so that the whole vote would have come to  $\frac{3}{20}$ ths of their incomes.

† Reg. D. and C., Durham, 2nd part, ii, f. 125.



## WRIT OF THE OFFICIAL OF THE BISHOP OF DURHAM.

[Treasury, D. and C. of Durham, loc. 20, 1].

Domini Dunelmensis Episcopi Officiarius domino Willelmo de Esshe, Decano Christianitatis Dunelmensi salutem. Quia per literas venerabilis in Christo patris et domini nostri Domini Walteri [Skirlawe] Dei gratia Episcopi Dunelmensis nobis directas intelleximus, quas vobis cum praesentibus tradimus inspiciendas, quod quaedam Convocatio cleri in ecclesia majori Ebor. pro certis negotiis ecclesiam Anglicanam, regem et regnum, concernentibus fiet celebranda die Jovis proximo post festum Sancti Gregorii papae [12 Martii] proxime futurum, vobis igitur in virtute obedientiae firmiter injungendo mandamus, quatenus citetis peremptorie Priorem ecclesiae cathedralis Dunelmensis et capitulum ejusdem, ac Archidiaconum Dunelmensem, quod idem Prior et Archidiaconus compareant personaliter, dictum vero Capitulum per procuratorem idoneum sufficientem potestatem habentem, dictis die et loco, juxta vim formam et effectum literarum domini nostri praedictarum, necnon omnes et singulos Decanos ecclesiarum collegiatarum, rectores, vicarios et magistros hospitalium, quod compareant et quilibet eorum compareat personaliter coram nobis in ecclesia Sancti Nicholai in Dunelmia secundo die mensis Martii proxime futuro sub poena multationis vis. viij*d*. quolibet absente per nos non immerito levandorum ad elegendum (*sic*) procuratorem idoneum ad interessendum nomine cleri Archidiaconatus Dunelmensis dictis die et loco juxta exigentiam praedictarum literarum, certificantes nobis dictis die et loco de omni eo quod feceritis in praemissis una cum nominibus citatorum per literas vestras patentes harum seriem continentes, sigillo vestro consignatas. Datum Dunelmiae xviii<sup>o</sup> die mensis Februarii A.D. 1396.

On the back :—Mandatum excommunicationis.

Mandatum episcopi ad citandum Priorem et Capitulum D. pro Convocatione cleri Ebor.

lxix. In 1397 Robert Waldby was translated from Chichester to York, and held the Archiepiscopal see for a very short time; he died 6th January, 1398. It seems, therefore, that he had not been able to hold a Convocation at all, and King Richard II addresses the following letter to the Archbishop who succeeded him, Richard le Scrope, who was translated from Lichfield in 1398. This was the prelate who, after having taken part in the northern conspiracy of 1405 against Henry IV,\* was taken prisoner when the attempt had utterly failed, and was beheaded just outside York. Bishop Stubbs calls it "a judicial murder"; it certainly was a tragedy never foreseen by English law, nor was he condemned by any true legal court. The unfortunate Archbishop lived for some time in popular esteem. We are told by Hardyng that Henry gave licence for offerings to be made at Scrope's tomb in York Minster; for, as Shakespeare put it, he did "consecrate commotion's bitter edge" (*Henry IV*, iv, 1). "The execution of an Archbishop was an event for which English history offered no parallel; Scrope was 'a most popular prelate, a member of a great Yorkshire house.' To lay hands on such a man might seem a rash, a desperate act; yet the King's throne was not shaken by it. The Papal anathemas fell unheeded to the ground. The people might worship at Scrope's tomb, as at the shrine of a martyr; they might ascribe miracles to his body; but no avenger ever ventured to draw sword in the cause of the lost Archbishop."†

### L.

The King's Writ now following was sent out to clear up the question of an aid, which apparently had never been voted under Archbishop Waldby.

[Reg. Decani et Capit. Dunelm., ii, part 2, f. 139.  
Wilkins, *Concilia*, vol. III, p. 237]. (A.D. 1399).

\* Archbishop Scrope apparently drew up a vehement indictment against "Henry of Derby," calling him traitor and usurper, a breaker of his oath, the virtual murderer of King Richard, and generally that he had acted as the sanguinary tyrant. He also preached before a sympathetic crowd in York Minster on the new King's enormities. Shakespeare, *Henry IV*, iv, 1, alludes to Scrope's "schedule of grievances."

† Ramsay, *York and Lancaster*, I, 90.

Rex venerabili in Christo patri R. eadem gratia archiepiscopo Ebor., Angliae primati, salutem. Cum nuper pro sumptuosis et immensis oneribus, quae nos pro defensione et salvatione regni nostri, ac marciarum ejusdem, necnon ecclesiae sanctae facere oporteret, subeundis et supportandis, venerabili patri Roberto, nuper Archiepiscopo loci praedicti rogando mandaverimus, quatenus suffraganeos suos, decanos, et priores ecclesiarum cathedralium, abbates, et priores, et alios electivos, exemptos et non exemptos, necnon archidiaconos, capitula, conventus, et collegia, totumque clerum cujuslibet dioeceseos suae provinciae ad comparandum coram eo in ecclesia cathedrali beati Petri Ebor., vel alibi prout expedire videret, ad certum diem jam praeteritum convocari faceret; et ipsos in hac parte ex causa praedicta, ad subsidium competens et necessarium, in supportationem dictorum onerum, nobis concedendum eo specialius et efficacius, quo magis sciret aut posset, sollicite induceret; et partes suas ad hoc diligenter et effectualiter apponeret; et nos in cancellaria nostra de quantitate subsidii illius, et de termino solutionis ejusdem, sub sigillo suo certificaret. Et quia nobis in cancellaria nostra praedicta, utrum idem nuper archiepiscopus hujusmodi convocationem praetextu rogatus nostri praedicti fecerat necne, nondum est certificatum; vobis in fide et dilectione, quibus nobis tenemini, rogando mandamus, quod si dicta convocatio in vita ipsius nuper archiepiscopi facta fuerit, ut est moris, tunc nos inde, ac de quantitate subsidii nobis in convocatione illa concessi, si quod fuerit, et de termino solutionis ejusdem, sub sigillo vestro reddatis certiores; et si forte nulla convocatio ad dictum rogatum nostrum tunc facta extitisset, tunc praemissis debite intuitu attentis et ponderatis, suffraganeos vestros, decanos, et priores ecclesiarum Cathedralium, abbates, et priores et alios electivos, exemptos et non exemptos, necnon archidiaconos, capitula, conventus, et collegia, totumque clerum cujuslibet dioeceseos vestrae provinciae ad comparandum coram vobis

in praedicta ecclesia beati Petri vel alibi, prout expedire videritis, primo die Septembris proxime futuro, more solito convocari faciatis; et ipsos in hac parte, et causa praedicta, ad subsidium in hoc casu competens et necessarium in supportationem dictorum onerum, nobis concedendum eo specialius et efficacius, quo magis sciveritis aut poteritis, sollicite inducatis, et partes vestras ad hoc diligentur effectualiter apponatis; et nos in cancellaria nostra praedicta de quantitate subsidii illius et de terminis solutionis ejusdem, sub sigillo vestro distincte et aperte certificetis. Et hoc sicut nos et honorem nostrum ac salvationem et defensionem ecclesiae et regni praedictorum diligitis, nullatenus omittatis. Teste rege apud Westm. primo die Augusti.

lxx. In 1397 there was a Convocation on 5th and 10th October.\* There is a Writ of 17th January, 1398, summoning a Convocation for Monday in the third week in Lent, 1398. A Convocation was summoned to sit on the 20th June.† It is, however, uncertain whether the Archbishop, Robert Waldby, who died 6th January, 1398, had received anything with a view to a subsidy; and consequently Richard II addressed a new Writ to the incoming Archbishop, Richard Scrope, ordering him to enquire into the facts, and to summon another Convocation for 1st September, 1398.

## LI.

[Rot. Claus., 22 Rich. II, p. 1, m. 30 *dorso*].

Rex venerabili in Christo patri R[icardo Scrope] eadem gratia archiepiscopo Ebor. Angliae primati, salutem. Cum nuper pro sumptuosis et immensis oneribus, quae nos pro defensione et salvatione regni nostri et marchiarum ejusdem, necnon ecclesiae sanctae facere oporteret, subeundis et supportandis venerabili patri Roberto [Waldby] nuper archiepiscopo loci praedicti, rogando mandaverimus quatenus suffraganeos suos,

\* Reg. D. and C. of Durham, 2nd part, ii, f. 125.

† See the Procuratorial document of John of Hemmingburg, Reg. D. and C., Durham, 2nd part, ii, f. 139 a.

decanos, et priores ecclesiarum cathedralium, abbates et priores et alios electivos, exemptos et non exemptos necnon archidiaconos, capitula, conventus, et collegia, totumque clerum cujuslibet dioeceseos suae provinciae ad comparandum coram eo in ecclesia cathedrali beati Petri Ebor. vel alibi, prout expedire videret, ad certum diem jam praeteritum, convocari faceret; et ipsos in hac parte ex causa praedicta ad subsidium competens et necessarium in supportationem dictorum onerum nobis concedendum eo specialius et efficacius, quo magis sciret aut posset, solcite induceret; et partes suas ad hoc diligenter et effectualiter apponeret; et nos in Cancellaria nostra de quantitate subsidii illius, et de termino solutionis ejusdem, sub sigillo suo certificaret. Et quia nobis in Cancellaria nostra praedicta, utrum idem nuper archiepiscopus hujusmodi convocationem praetextu rogatus nostri praedicti fecerat necne, nondum est certificatum; Vobis in fide et dilectione quibus nobis tenemini rogando mandamus quod si dicta convocatio in vita ipsius nuper archiepiscopi facta fuerit, ut est moris, tunc nos inde, ac de quantitate subsidii nobis in convocatione illa concessi, si quod fuerit, et de termino solutionis ejusdem, sub sigillo vestro reddatis certiores; et si forte nulla convocatio ad dictum rogatum nostrum tunc facta extitisset tunc praemissis debito intuitu attentis et ponderatis, suffraganeos vestros, decanos, et priores ecclesiarum cathedralium, abbates, et priores et alios electivos, exemptos et non exemptos, necnon archidiaconos, capitula, conventus, et collegia totumque clerum cujuslibet dioeceseos vestrae provinciae ad comparandum coram vobis in praedicta ecclesia beati Petri vel alibi, prout expedire videritis, primo die Septembris proximo futuro, more solito convocari faciatis; et ipsos in hac parte ex causa praedicta, ad subsidium in hoc casu competens et necessarium in supportationem dictorum onerum nobis concedendum eo specialius et efficacius, quo magis sciveritis aut poteritis, solcite inducat; et partes vestras ad hoc diligenter et effectualiter apponatis;



et nos in cancellaria nostra praedicta de quantitate subsidii illius, et de terminis solutionis ejusdem, sub sigillo vestro distincte et aperte certificetis. Et hoc sicut nos et honorem nostrum ac salvationem et defensionem ecclesiae et regni praedictorum diligitis, nullatenus omittatis. Teste rege apud Westmonasterium 1<sup>o</sup> die Augusti.

lxxi. Another Royal Writ followed, for a session of Convocation to be held at Beverley on 11th March, 1399. See the Close Rolls, Rich. II, p. i, m. 1, *dorso* (see also Wharton, *Concilia*, III, 238).

lxxii. A Convocation on Monday next after the Corpus Christi Festival (Thursday after Trinity Sunday, 1401). This was at this time a modern festival, having been instituted by Pope Urban IV in 1264. In this Convocation a tenth was voted to the King.

lxxiii. Three Convocations in the year (as then reckoned), viz., (1) Thursday after the "Misericordia Domini" Sunday\* (which is the second Sunday after Easter, 9th April, 1402); (2) Tuesday next before the Nativity of the B. M. V. (8th September); (3) 25th January, 1403.

[Wharton, III, 281].

lxxiv. 1404. A Convocation on Monday after Corpus Christi voted a 10th. 1404-5. Another Convocation in the same year.

### LII.

[Reg. Ebor., fol. 131].

Convocatio 11 die Decembris, 1404, habita et usque in decimum septimum diem ejusdem mensis de die in diem per nos [Archiep. Ebor.] personaliter prorogata—Unam decimam concessimus et concesserunt; volentes nihilominus quod decima prius concessa, cum qua ad gravem ipsorum sarcinam onerati existunt, viz. pro prima medietate in Octabis S. Hilarii jam instantibus et pro altera medietate in festo Omnium Sanctorum proxime futuro solvenda, in suis viribus perseveret.

\* The Misericordia Domini Sunday is so called from the office beginning "Misericordia Domini plena est terra, allehuya," etc.



Et, ut praesens decimae concessio pro majori vestra complacentia ad uberiores onerum praemissorum supportationem si extendat, nos ac praelati et clerus, praedicta praemissorum consideratione, praebendas, ecclesias, hospitales, capellas, portiones, pensiones, et caetera sua beneficia ecclesiastica ad decem libras et infra taxatas quae in aliis Convocationibus propter ipsorum exilitatem excipi consueverant, hac vice tamen ad integram solutionem praedictae decimae oneramus et onerarunt: ita quod forma concessionis hujusmodi in exemplum alias non trahatur.

These matters were drawn from the Certificatory letter addressed by the Archbishop to the King from Cawode on the 31st January, 1405.

lxxv. By a Royal Writ addressed to the guardians of the Spiritualities of York in the vacancy of the Archbishopal throne, and dated 18th February, 1407, a Convocation was summoned for the Feast of the Annunciation (25th March, 1407). Henry Bowet was consecrated Archbishop at the end of 1407. It does not appear that any aid was voted at this time. Archbishop Bowet, on 16th May, 1408, issued a Mandate for a Convocation to be held on the 28th June. He summons thereto the Bishop of Durham with the special provision, "absque praejudicio privilegiorum."

lxxvi. On the 8th May, 1408, a Royal Writ was issued, instructing the Archbishop to summon a Convocation for the 28th June, and appointing his Commissaries to preside over it. The clergy, however, could not be induced to vote any subsidy at all; they alleged their "reasonable excuses"; and the Commissaries were fain to prorogue Convocation to the 10th December, when it was hoped the Archbishop could preside in person. Meanwhile, the Archbishop also issued his Mandate for a Convocation from Iselworth, 7th July, 1408; a document remarkable because it reflects the serious disturbances of the time. The Great Papal Schism, which grew acute in 1406, occupied almost all the attention of both Convocations. This Schism had begun long before: in 1378 the Roman mob, on the death

of Pope Gregory XI, terrorised the handful of cardinals at that time in Rome, cardinals who were almost all French in origin and opinion. Only sixteen were present, one of them a Spaniard, four Italians, and eleven Frenchmen. They, after all, did not elect a Roman as Pope, but, by an unfortunate choice, if indeed in the turbulent fury of the eternal city it could be called a choice, they took the Archbishop of Bari, who ascended the papal throne as Urban VI. His very virtues and austerities brought on a swift reaction; the Cardinals began to murmur that it was no true election, but a compulsion and invalid. At last, more than five months after the election of Urban VI, they elected Robert of Geneva as Pope, and he took the name of Clement VII. The Schism, thus begun, lasted for thirty-eight years, from 1375 to 1413; so that the documents here printed come towards the end of the period. The personages changed. In 1389 the Italian Cardinals elected a successor to Urban, the Neapolitan Peter Tornacelli, who took the name of Boniface IX. The Avignon Court, under Clement VII, continued to act independently till his death in 1394. His Cardinals at once elected the Cardinal of Luna, a Spaniard, who took the name of Benedict XIII. The Italian Boniface IX died in 1404. He was succeeded by Innocent VII. His time was short; he died in 1405, and Gregory XII succeeded him. He seemed to be called solely to clear the way for the close of the Schism. In 1407 the two Popes were to meet at Savona on the Riviera, not far from Genoa—a kind of half-way house between Rome and Avignon. Then the Italian Pope, who had been so eager and pressing for unity, drew back; Savona he would not hear of. He named four cities nearer Rome. Benedict XIII, before the end of 1406, came eastwards as far as to Spezia, while Gregory paused, not far off, at Lucca. The dragging negotiations still went on till 1407 was well advanced. Gregory even went so far as to propose to abdicate, if he might retain his nominal Patriarchate of Constantinople, with two bishoprics in the Venetian territory, and (when it fell vacant) the Archbishopric of York. He speedily gave up this proposal, and, seated with his Italian Court at Lucca, proposed at once to create four new Cardinals.

This was an open violation of the compact already agreed on for the healing of the breach ; and his Cardinals, after in vain resisting and protesting, seceded from Lucca to Pisa, where they issued an appeal for a General Council. This was the beginning of the end of the Schism. The Mandate of the Archbishop, which follows here, dated 7th July, 1408, was addressed to Thomas Langley, Bishop of Durham. Archbishop Henry Bowet, who had been consecrated to York the year before, was deeply interested in the Schism problem, and wanted to heal the breach. For in his earlier life he had been a chaplain to Urban VI at Rome, and, in the days of confusion that followed, very narrowly escaped execution. He was sentenced to die, and was saved only by pleading his "clergy" from ending his career under the executioner's hands. From this mandate of his we see how keenly he watched the fortunes of the fray. He also (in 1409) was represented by a Proctor at the Pisa Council. Meanwhile, as Pope or Antipope, Benedict held his Council at Perpignan, with only nine Cardinals around him. Gregory had been deserted by his eight (or, as Archbishop Bowet says, by nine) Cardinals. And now no hope of peace between the factions seemed possible. It was left for the College of Cardinals to repudiate both combatant Popes, and they did it with singularly strong language ; they also met to arrange for the summoning of a Council. This they accomplished at Leghorn, where Benedict's four Cardinals and the eight, or nine, who had left Gregory at Lucca, undertook, without the sanction of any Pope or Emperor, to call a Council to be held at Pisa.

## LIII.

MANDATUM ARCHIEPISCOPI PRO CONVOCATIONE CLERI  
(DATED 7TH JULY, 1408).

[Wilkins, *Concilia*, III, 306].

Henricus [Bowet], etc., venerabili fratri nostro Thomae [Langley] Dei gratia Dunolmensi episcopo salutem et fraternam in Domino caritatem. Vox in excelso audita et lamentationis fletus et luctus Rachel, id est, sanctae matris ecclesiae plorantis filias suas

Christiani nominis fideles athletas. Sed lacrimae suae diuturno fletu siccantur in maxillis, quia non est qui consoletur eam ex omnibus caris ejus: luget namque mortem millium dum unicae columbae deque militantis ecclesiae secundum caput monstruose appositum (?), membra quaeque altius capiti adhaerentia et si in se salva aspersione sanguinis menstruosi bona et utilia tamquam infructuosa suspendit, tanquam mala abscindit et putrida, ac tanquam maledicta excommunicationis censura parcellit, interdicit regna sibi adversantia, ecclesiarum suspendit organa, reges et praelatos discernit privatos officio, clerum populum et vulgum (*sic*) excommunicationis mucrone condempnat, sic ut vix sciat ovis erronia ubi veri pastoris caulas inveniet; cujus quaeso musica his solide ponderatis non vertetur in luctum? Sed, vae, vae, proh dolor! lacrimae viduae ascendunt in excelsum, sed dominus exauditor non delectatur in illis; quaesivit ecclesia cum lacrimis poenitentiae locum. Sed jam per xxx annos et ultra clamans non invenit oves schismate perdurato: spesque pulcherrima de et super unione sanctae matris ecclesiae per dominum nostrum papam et suos cardinales in sua creatione promissa, juramentisque ac votis earundem firmata, jam redit ad frustra;—posteriorque pestis supervenit priori deterior. Nam etsi omnes aquae, dominus scilicet noster papa et cardinales congregati sint in locum unum Civitatem Lucanam, terra tamen apparet arida; eo quod os putei aquas recipientis lapide grandi, utinam non vanae gloriae cupidine, stat obstrusum, nec supervenit Jacob aut alius quisquam caelesti dono imbutus qui lapidem amoveat ab ore putei, ut fluminis impetus laetificet civitatem Dei. Scribunt namque Cardinales domino nostro Regi ac nobis et caeteris Regni Angliae praelatis, quod dominus noster papa contra formam in voto, juramento, ac diversis tractatibus expressam, ipsis Cardinalibus in consultis quin verius expresse reclamantibus novos creavit cardinales, ipsisque antiquis cardinalibus mandata et injunctiones tam importabilia indixit, ut ipsi omnes et

singuli ab eisdem mandatis et injunctionibus, ab ipsoque domino papa irrationabiliter et secundum non rectam informationem decernente ad ipsummet secundum rectam rationem et melius informatam decreturum. Item ab ipso vicario Christi in terris ad dominum nostrum Jesum Christum qui judicaturus est vivos et mortuos et saeculum per ignem: Item ad generale Consilium a quo et in quo solent gesta summorum pontificum quaecumque judicari possunt decerni et judicari: Item ad papam et pontificem futurum, cujus est gesta inordinata sui praedecessoris in melius reformare, appellarunt, ac metu majoris mali quidam eorum pedestres et rebus omnibus spoliati, quidam vero equestres, novem videlicet in numero, de civitate Lucana et a praesentia domini nostri papae usque in civitatem Pisanam recesserunt, de unitate ecclesiae, nisi aut divinitus aut sagacitate humana graciosius provideatur, omnino diffisi. Supplicant igitur iidem Cardinales, collegium videlicet antiquum, tam Domino nostro Regi quam nobis et ceteris Regni praelatis de bona assistentia in facto unionis, quia ipsi collegium antiquum Cardinalium ad hoc effectualiter laborabunt juxta vires. Dominusque noster Rex tanquam Christianissimus pugil et athleta ecclesiae suum ad hoc auxilium consilium et favorem in omnibus pollicetur animo satis prompto, et ultra quam dicendum est ad praesens praeparato: Nos igitur considerantes quod hoc maledictum schisma ultra omnia anteriora diutius noscitur perdurasse, quodque mala infinita et notoria quae hic causa brevitatis pertransimus exinde pervenerunt. Nos tamen de regno Angliae quod dolenter referimus modicum hucusque circa unionem praedictam laborare curavimus, cujus praetextu Anglicani nominis forma noscitur diminuta; volentes igitur quod antea segniter egimus provida emendatione corrigere, et ut eo sagacius fiat, quo plurimorum firmatur discreto consilio, ob hanc causam tantum et non aliam praelatos et clerum nostrae Ebor. provinciae mensis Augusti die tertiodecimo proximo futuro post datum praesentium in ecclesia nostra Ebor.



duximus convocandos, cum continuatione et prorogatione sequentium tunc dierum de et supra hac sancta et salubri materia unionis sanctae matris ecclesiae tractaturos, suaeque sana consilia impensuros ulteriusque facturos quod ipsius materiae arduitas exigit et requirit. Quocirca cum unica sit ecclesia Anglicana praesensque factum unicum finem appetat et respiciat, quam omnipotentis acceleret gratia unionem, viz. ut permittatur in ecclesia militanti quam pro dolor scissura excicialis (*sic*) et pestifera diu nimis dolenter incussit; de mandato serenissimi principis domini nostri regis nobis in hac parte facto districtius, habitaque superinde sapientium deliberatione matura ac justis de causis nos ad hoc ipsum moventibus, hac vice sumus isto stilo perusi (?) quo venerabilis frater noster et dominus Thomas D. G. Cant. Archiepiscopus totius Angliae primas et apostolicae sedis Legatus sua Cant. provinciae praelatos et clerum convocando propter finem memoratum ipsos alloqui decrevit hujus sub idemptitate (*sic*) tenoris, quem in praesenti praemissorum intuitu non cernimus expediens commutare, ne de seniorum et peritorum consilio videamur recedere, et nostro proprio inniti sensui singulari tenore praesentium peremptorie vos citamus ac in visceribus Jesu Christi requirimus et hortamur quatenus eisdem die et loco coram nobis vel nostris in hac parte locum tenentibus aut commissariis, si nos tunc quod absit impediri contigerit, personaliter compareatis meliori quo poteritis suffulti consilio, sicut super hoc Deo in die extremi judicii nobisque ac Regi et regno Angliae in eventum valueritis respondere, cum continuatione et prorogatione sequentium tunc dierum et locorum ad tractandum una nobiscum seu nostris in ea parte locumtenentibus vel commissariis ac venerabili fratre nostro Willelmo [Strickland] Carliolensi Episcopo caeterisque dictae nostrae provinciae praelatis et clero de et super materia unionis antedicta tunc ibidem serius atque plenius exponenda. Vestra superinde consilia ibidem personaliter impensuris et ad consentiendum his quae

ibidem ex deliberatione communi ad honorem Dei et ecclesiae contigerit concorditer ordinari, facturisque ulterius et recepturis quod justum fuerit et hujusmodi negotii qualitas exigit et requirit. Volumus insuper et vestrae fraternitati firmiter injungendo mandamus, quatenus priorem et conventum ecclesiae vestrae Dunolmensis meliori quo poterint, ut praemittitur, consilio fulcitos, Archidiaconosque Abbates et priores Conventus sub se habentes et alios ecclesiarum praelatos exemptos et non exemptos necnon caeteros magnae literaturae viros providos et maturos vestrae dioecesis quos ad interessendum, tractatui materiae unionis antedictae senseritis necessarios, et clerum vestrae dioeceseos antedictae citetis seu citari faciatis peremptorie, quod iidem Archidiaconi Abbates et priores ac caeteri ecclesiarum praelati exempti et non exempti ipsique magnae literaturae viri providi et maturi quicunque personaliter. Capitulum autem vestrum praedictum et quodlibet aliud capitulum conventuum et collegiorum praedictorum per unum ad minus virum fide dignum eruditum providum et circumspectum, clerusque vestrae dictae dioeceseos per duos consimiliter idoneos procuratores, viros eruditos providos et circumspectos ac potentes, qui suis sumptibus et expensis absque pauperis cleri dispendio poterint dicto tractatui interesse, compareant coram nobis aut nostris in hac parte locumtenentibus vel commissariis, si nos ut praemittitur tunc impediri contigerit, die et loco superius expressatis cum continuatione et prorogatione dierum et locorum tunc sequentium, ut praefertur, praelatis quoque ecclesiarum exemptarum non mendicantibus vestrae dictae dioeceseos cujuscunque fuerint ordinis per vos sicut vos concernit volumus intimari, ut praefatis die et loco absque praejudicio privilegiorum suorum in hac parte quibus per hoc derogari nolumus nobiscum intersint, tractaturi ulteriusque facturi et recepturi in praemissis et ea continentibus quod superius est expressum; volumus enim et vestrae fraternitati districte injungendo mandamus quod denunciatis seu denunciari faciatis praefatis

Archidiaconis abbatibus prioribus ac ceteris ecclesiarum praelatis atque procuratoribus pro ecclesiarum consilium (*sic*) aut collegiatarum capitulis aut clero vestrae dioeceseos in forma supradicta electis, prout vestrae fraternitati tenore praesentium denunciamus, quod nec vos aut eos vel eorum aliquem hac vice ullo modo habebimus excusatos vel excusatum. Immo in casu quo non comparuerint in forma supradicta, acriori quo poterimus modo absentes puniemus, et eo gravius et ferventius quo Deum et sacrosanctam ecclesiam cujus causa agetur et nos ejus ministrum ibidem in non veniendo ut videtur duxerint contempnendos. Vobis insuper injungentes ut nos nostrosve in hac parte locumtenentes seu commissarios dictis die et loco quod feceritis, aut per vos factum fuerit in praemissis, debite certificetis per literas vestras patentes hujus mandati nostri seriem et citatorum nomina vestrae dictae dioeceseos in schedula separata vestris literis certificatoriis annexis plenarie continentes. Insuperque non modicum immo permaximum et ex ipsis rerum argumentis probatissimum sortiri solet effectum : deprecatio justi assidua ; et difficile, quin verius impossibile, est ut non impetretur, quod multorum unanimi ac jugi petitione, non ad cujusquam temporale commodum sed ad Dei laudem et prosperationem suae militantis ecclesiae juste postulatur, dicente domino in Evangelio “ Quicquid orantes petitis credite, et fiet vobis ” fraternitati vestrae mandamus quatenus tam in ecclesia vestra Dunolmensi quam aliis ecclesiis conventualibus et collegiatis tam regularibus quam secularibus necnon parochialibus ecclesiisstrarum civitatis et dioeceseos diebus dominicis et festivis subditos vestros clericos et laicos quoscumque inibi existentes efficaciter inducatis et moneatis, moneri efficaciter seu induci faciatis, quod ipsi universi et singuli omnipotenti Deo in cujus manu corda sunt Regum, ut Christianissimum Regem nostrum zelo unionis ecclesiasticae, ut praemittitur, beatissime accensum in eo firmissime stabilire, ipsumque sic stabilitum ad tam sanctum tamque felix propositum

exequendum in prosperis dirigere et confirmare dignetur, ac nobis et clero nostro antedicto ad sui nominis gloriam congregandis medius existere, nostrisque sensibus sciencie suae lumen in hac ejus et ecclesiae suae causa summe necessarium infundere, sicque dona gratiae suae nobis et unicuique nostrum dividere, ut ea quae sic placita sunt et ad enervationem praefati horrendi schismatis tam diu, proth dolor, continuati tendere valeant, decernere pariter et ordinare possimus in missarum solemnibus, sermonibus publicis, et processionibus quas propterea singulis quartis et sextis feriis solertius ac diligentius fieri volumus, orationes devotas jejuniis elemosinis, et aliis caritatis operibus vallatas effundant diligenter. Et ut fidelium mentes ad hujusmodi devotionis opera propensius excitemus, de Dei omnipotentis immensa misericordia et beatissimae Virginis Mariae matris ejusdem, ac beatorum Petri et Pauli apostolorum ejus, necnon beatissimi Confessoris Willelmi [St. William of York]\* patronorum nostrorum omniumque sanctorum meritis et precibus confidentes, ipsisque fidelibus quibuscunque per nostram provinciam antedictam ubilibet constitutis, de peccatis suis vere poenitentibus contritis et confessis, praemissa, ut praedicatur, facientibus xl dies indulgentiae concedimus per praesentes. Et a vobis caeterisque confratribus et suffraganeis nostris similes indulgentias petimus elargiri.

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\* "St. William of York" was William Fitzherbert, who was Treasurer of York in 1130, and was made a Bishop by consecration at Winchester in 1143, though he did not get undisputed possession of the Archbishopric till 1153. In the Annals of Winchester we read: "Mcxlvii. Hoc anno exulatus est Archiepiscopus Eboracensis Willelmus ab archiepiscopatu suo." Bishop Henry of Blois, "because of the Archbishop's holiness of life, and because he had himself both ordained and consecrated him," welcomed him to his house, and supported him. He lived all he could with the monks of St. Swithun, "et illorum sanctitatem tanquam angelorum dilexit." Bishop Henry in 1153 (or 1154) made peace between the Archbishop and his people, and he returned to York, where, "ut fertur," he was poisoned by a deadly chalice, and died in 1154. He was canonised by popular affection, and his day is June 8th.

Datum in manerio nostro de Lambith xxv<sup>o</sup> die mensis Julii, A. D. MCCCCVIII et nostrae translationis anno xii<sup>o</sup>.

lxxviii. We learn from a commission by Archbishop Bowet, dated 30th September, 1409, that a Convocation was then about to be held.

lxxix. A Royal Writ, 3rd January, 1410, summoned a Convocation to be held at Beverley on the 15th February. This Convocation was thereupon prorogued "to the Friday after the Sunday on which is sung the office 'Misericordia Domini,'" and to be held in the Church of Bishopthorpe, near York. This Convocation had met at Beverley, and, as appears by the Archbishop's reply to the King, "nullis argumentis ad subsidium concedendum flecti posset." The Convocation was then prorogued to meet on the 11th April, in the conventual Church of Clementsthorp, and there Convocation "nostris precibus et instantia cumulatis devicti" voted to the King a tenth, with certain exceptions. (Wilkins, *Concilia*, III, 333).

#### LIV.

A Convocation was held, on a Royal Writ, at York, on the 18th January, 1412, which showed a strong reluctance against voting an aid. When they did vote it they added the following protest, indicating their fear that they might have to pay both the Parliamentary taxes and their own Aids.

[Reg. Bowet, Ebor., f. 307].

"Ita quod dicti praelati et clerus in eorum possessionibus per concessionem in ultimo parlamento domino nostro regi per dominos et communitatem regni factam, nullatenus taxentur, graventur et molestentur; proviso etiam, quod iidem praelati et clerus, seu eorum firmarii, ad solutionem quintaedecimae cum personis secularibus nullo modo compellantur; et quod dicti praelati et clerus Eboracensis provinciae infra terminum praescriptum taxationibus subsidiis seu aliis oneribus similibus vel dissimilibus non vexentur seu in aliquo molestentur."

lxxx. A Convocation was held in York Minster about the Octave of the Purification (2nd February), 1413.



lxxx. A Convocation was held, on a Royal Writ, and Archbishop's Mandate, on 27th and 28th July, 1414, when a tenth was most unwillingly granted.

lxxxii. A Convocation was held under a Brief from the Pope and a mandate from the Archbishop. There seems to be no Royal Writ. Convocation sat in the Minster on the Monday after All Saints' Day (1st November), 1414, and on 2nd January, 1415, appointed "Ambassadors" to go to the Council of Constance, and voted a subsidy to pay their expenses, viz., on taxed benefices 4d. in the £, and on some of the non-taxed benefices 8d. in the mark, "in accordance with the true value of such non-taxed benefices, to be assessed at your discretion."

[Reg. Bowet, Ebor., f. 285].

This was followed by a Convocation sitting on Wednesday after the Epiphany (6th January), 1415. It voted two whole tenths to the King.

lxxxiii. A Convocation sitting on 16th December, 1415, and 26th January, 1416, voted a tenth to the King. The Royal Writ was signed on this occasion by John, Duke of Bedford, the King's brother, afterwards Protector of England.

Again, 5th till 12th January, 1417, granted a tenth

#### LV.

Another, in York, 30th April, 1417, was held apparently "sine brevi regio," as we see from the Mandate of Archbishop Bowet addressed to Bishop Langley of Durham, in which no Royal Writ is mentioned.

[Reg. Langley, f. 81].

Henricus, etc., venerabili fratri nostro Thomae, etc., Dunelmensi episcopo . . salutem, et fraternam in Domino caritatem. Ob ardua siquidem et urgentia negotia effectum unionis et reformationis status universalis ecclesiae tam in capite quam in membris, et praecipue utilitatem et honorem nostrae provinciae Eboracensis concernentia nostrum consilium provinciale duxerimus convocandum; tenore igitur praesentium preemptorie

vos citamus quatenus die Jovis proximo post Dominicam qua cantatur Quasi modo geniti, viz. ultimo die mensis Aprilis proxime venturo, coram nobis seu nostris Commissariis uno vel pluribus, in ecclesia nostra Cathedrali Eboracensi personaliter compareatis cum continuatione et prorogatione dierum tunc sequentium et locorum, facienda, si oporteat, ad tractandum una nobiscum seu dictis nostris Commissariis caeterisque praefatae nostrae provinciae praelatis atque clero de et super praemissis arduis et urgentibus negotiis ac contentis in literis sanctae synodi Constantiae nobis directis tunc ibidem serius reservandis vestram super eis auxilium et consilium impensuris, et ad consentiendum his quae ibidem ex deliberatione communi ad honorem Dei et ecclesiae ac praelatorum et cleri dictae provinciae utilitatem contigerit ordinari, faciendumque ulterius et recepturum quod justum fuerit et praemissorum qualitas exigit et requirit : vestrae insuper fraternitati injungimus et mandamus quatenus priorem et capitulum ecclesiae vestrae Cathedralis Dunelmensis, Abbates, priores Conventus sub se habentes, Archidiaconos, Decanos, praepositos, et alios ecclesiarum praelatos exemptos et non exemptos vestrae dioeceseos quoscumque et clerum necnon capitula conventus et collegia ejusdem dioeceseos citari faciatis peremptorie quod iidem prior, abbates, priores, archidiaconi, Decani, praepositi et caeteri ecclesiarum praelati, exempti et non exempti, quicumque personaliter, capitula conventus et collegia per unum, clerusque vestrae dioeceseos per duos procuratores sufficienti potestate suffultos compareant coram nobis seu nostris Commissariis uno vel pluribus, loco et die superius expressatis, cum continuatione et prorogatione dierum tunc sequentium et locorum, suaque consilia et auxilia impendendum et ad consentiendum una nobiscum intersint ad tractandum, praelatisque aliis et clero praedictis tunc ad praemissa vocandis, prout superius est expressum, faciendumque ulterius et recepturum in omnibus et per omnia quod justum fuerit et praemissorum qualitas exigit et requirit,

Intimantes insuper seu intimari facientes praefatis priori etc., prout vestrae fraternitati tenore praesentium intimamus, quod nec vos aut eos a personali comparatione in dicto consilio nostro, annuente domino, facienda excusatos habere intendimus, sicuti nec volumus ista vice nisi ex causa magis necessaria ibidem alleganda literatorie et probanda, scilicet, absentium contumacias quorumcumque si qui fuerit secundum juris exigentiam canonice puniemus, et eo acrius quo in hoc Concilio de tam arduis tractabitur negotiis quae vestrum et eorundum praelatorum requirunt praesentiam personalem, Et quid feceritis in praemissis nos dictis die et loco certificare curetis per literas vestras patentes hujus seriem et citatorum nomina continentes. Datum in hospitio nostro Londonensi juxta Westmonasterium 4to die mensis Aprilis A.D. 1416 et nostrae translationis nono.

lxxxiv. A Convocation, held on 5th January to 12th January, voted a complete tenth to the King.

lxxxv. A Convocation held on 20th to 26th January, 1418, voted a tenth.

lxxxvi. A Convocation on 13th to 18th January, 1420, voted a half-tenth.

## LVI.

lxxxvii. A Convocation held on the day after St. Matthew's Day, 21st September, 1421. In this Convocation the question of the gravamen of graduates of Oxford and Cambridge in the matter of promotion to benefices was considered. It should be remembered that in 1382 Urban VI issued a Bull insisting that Doctors and Bachelors should be promoted to Cathedral dignitaries. Reg. Courtenay, f. 185 a. The style and title of Henry V as "heir and regent of France" was conceded to him by the treaty of Troyes in 1420. The cult of St. George as "patron of the English race" is interesting. It must be remembered that all these titles blossomed forth on the eve of the downfall of the English power in France.

[Reg. Langley, Dunelm., f. 110 a] (22nd January, 1422).

<i>Provisio facta in Convocatione praedicta pro Clericis graduatis.</i>	}	Henricus, permissione divina Ebor. Archiepiscopus Angliae primas et apostolicae sedis Legatus venerabili fratri nostro domino Th[omae] Dei
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gratia Dunelmensi episcopo, suffraganeo nostro, salutem  
 et fraternam in Domino caritatem. Cum in Convocatione  
 praelatorum et cleri nostrae Eboracensis provinciae in  
 ecclesia nostra cathedrali Ebor. xxii<sup>o</sup> die mensis Septembris  
 proxime jam praeterito cum continuatione et prorogatione  
 dierum sequentium nostra auctoritate metropolitana  
 celebrata et in quartum decimum diem Januarii proxime  
 tunc sequentem continuata quampluribus lamentabilibus  
 propositionibus et querelis pro parte Universitatum  
 Oxoniae et Cantabrigiae corum certis nostris Com-  
 missariis in praesentia praelatorum et cleri praedictorum  
 in domo capitulari dictae Ecclesiae nostrae ipso quarto  
 decimo die coadunatorum super condolenda desolatione  
 Universitatum praedictarum occasione non promotionis  
 graduatorum in eisdem factae et expositae ex compassivis  
 affectibus de vestro ac venerabilis confratris nostri  
 Episcopi Karliolensis aliorumque praelatorum et cleri  
 provinciae antedictae nostro etiam consensu pariter  
 et assensu ad laudem Dei omnipotentis dictarumque  
 Universitatum et graduatorum in eisdem relevamen et  
 promotionem celerem eorundem, qui hactenus in variis  
 facultatibus profecerint et favente altissimo imposterum  
 proficient, in eisdem eadem auctoritate nostra metro-  
 politica decretum extiterit, ac sub modo et forma sequenti-  
 bus in nobis est et eis concessum ac salubriter ordinatum,  
 viz. quod quicumque patronus ecclesiasticus dictae  
 provinciae cuiuscumque dignitatis status sexus seu  
 conditionis existat quodcumque beneficium ecclesiasticum  
 quod ad ipsius collacionem presentationem nominationem  
 aliamve dispositionem quamcumque pertinens post  
 publicationem concessionis et ordinationis hujusmodi  
 primo vacare continget alicui personae alterius Universi-  
 tatis praedictae gradum scolasticum habenti Doctoris viz.

in theologia decretorum legum vel medicinae licenciatove in praedictis facultatibus magistro artium seu licentiato in eodem facultate aut bacallario in decretis vel legibus aut alteri bacallario in aliqua facultate praedicta. Dum tamen in artibus bacallarius in facultate sua formam suam compleverit, seu alias in ordine sacerdotali constitutus fuerit, juxta et secundum ipsius patroni propriam electionem offerre et si illud acceptare noluerit conferre seu alias unam de personis graduatorum praedictorum ad beneficium ecclesiasticum de quo praefertur cum vocaverit praesentare nominare aut pro persona hujusmodi juxta beneficii sic vacaturi jurisque dicto patrono in eodem competentis naturam et qualitatem disponere teneatur, dolo fraude seu malo ingenio quibuscumque cessantibus in ea parte; Sicque extunc collatione praesentatione nominatione seu quavis alia dispositione quorumlibet duorum beneficiorum extunc vacare contingentium ad cujuslibet talis patroni collationem praesentationem nominationem vel aliam dispositionem pertinentium sub ejusdem patroni libera dispositione remanente, tertium vero beneficium ecclesiasticum post liberam collationem patronorum duorum beneficiorum supradictorum vacaturum ad ipsius collationem nominationem praesentationem aliamve dispositionem alicui personae alterius Universitatis praedictae sic ut praemittitur graduatae conferre, ipsamve ad illud praesentare seu nominare aut alias pro eadem persona ad ipsum beneficium etiam disponere teneatur; Sicque successive modus et forma praedicti plenarie completis effectualiter observentur; Quodque durante decennio praedicto nullus patronus ecclesiasticus provinciae antedictae advocatiam seu jus patronatus aut jus aliquod quod habet in aliquo beneficiorum hujusmodi fraudulenter et dolose in praejudicium antedictae ordinationis seu concessionis vel specialiter [vel] generaliter alienabit perpetuo vel ad tempus; Quodque etiam quilibet talis patronus in literis collationis praesentationis nominationis vel dispositionis suis ad beneficium quodcumque ad collationem praesentationem



nominationem aliamve dispositionem pertinens, quod interim vacare continget, nomen et cognomen gradum et ordinem personae cui aliquod tale beneficium conferre, vel ad quod ipsam praesentare nominare vel de quo alias hujusmodi patronum disponere contigerit realiter exprimatur et declaretur. Attento semper quod in promotionibus hujusmodi eminencia statuum graduum et meritorum personarum praedictarum, si dictis patronis visum fuerit, ante omnia attendatur. Et quod hi qui nullo modo aut consideratis eorum gradibus et meritis exiliter sunt promoti aliis ut praefertur in promotionibus hujusmodi praeferantur. Et quod ut promotionis hujusmodi firmior et certior in futurum habeatur notitia, singuli suffraganei nostri omnesque alii et singuli patroni ecclesiastici habentes institutionem et destitutionem beneficiorum infra suam jurisdictionem existentium in singulis Convocationibus sive consiliis provincialibus per reverendissimum patrem Archiepiscopum Ebor. qui pro tempore fuerit interim celebrandis nomina et cognomina omnium et singularum personarum per eos interim promotarum et ad aliorum patronorum spiritualium praesentationem nominationem vel aliam dispositionem admissarum vel institutarum unacum nominibus beneficiorum ad quae promoti fuerint coram dicto reverendo patre aut successoribus suis actualiter exhibeant et putent (?) et penes ipsius reverendissimi patris et successorum suorum registra deponant et fideliter dimittant. Insuper auctoritate consimili de nostro ac praelatorum et cleri praedictorum consensu ordinatum existit quod praesens ordinatio ad beneficia per religiosas personas consueta antiquitus gubernari nullatenus extendatur. Per hanc tamen ordinationem seu concessionem praelati et cleri supradicti praejudicare non intendunt patronis praedictis quominus ipsi et eorum singuli de beneficiis suis praedictis personas quibus in certis pensionibus annuis auctoritate regia seu ordinaria onerantur ante omnes graduatos supradictos libere poterunt promovere. Ita quod deinde quo ad alia beneficia postea vacatura praedicti patroni

praesentem ordinationem observent in omnibus ut tenentur. Juribus et libertatibus ecclesiae Romanae et apostolicae sedis in praemissis semper salvis. Praeterea cum in Convocatione praelatorum et cleri nostrae provinciae praelibata ad laudem gloriam et honorem invictissimi Christi.

## LVII.

*Constitutio quod  
festum S. Georgii  
sub officio duplici  
celebretur, etc.* } Martiris Georgii patroni gentis  
Anglicanae praecipuissimus diem  
annis singulis Christianissimus princeps  
dominus noster dominus Henricus Dei  
gratia rex Angliae haeres et regens regni Franciae ac  
dominus Hiberniae illustrissimus eo commendavit sub  
potioribus solempnitatis insigniis attollendum quo de  
suis saevissimis hostibus felicioribus triumphis in virtute  
altissimi ad devotam ipsius gloriosissimi martiris invoca-  
tionem supernaturaliter est positus ac de ejus praesidiis  
indies confidit firmiter in agendis festum praefati  
sanctissimi martiris Georgii sub duplici officio principali  
in omnibus ecclesiis dictae nostrae provinciae solempniter  
celebrandum, ac a mechanicis aliisque operibus in festis  
hujusmodi de more consuetudine seu observantia ecclesi-  
arum ejusdem interdictis cessandum auctoritate ejusdem  
consilii et nostra indictum extiterit statutum ordinatum  
pariter ac decretum ac perpetuis futuris temporibus  
annuis devotius observandum. Vobis auctoritate dicti  
consilii et nostra in virtute obedientiae firmiter  
injungendo mandamus quatinus omnia praemissa et  
singula per vestras civitatem et dioecesim publicari, ut  
convenit, facientes ordinationes praedictas in singulis  
articulis promotionem graduatorum Universitatum  
praedictarum necnon festi hujusmodi celebrationem  
tangentibus quatenus personam vestram concernit  
observetis ac per vestros subditos faciatis inviolabiliter  
observari. In cujus rei testimonium sigillum nostrum  
fecimus his apponi. Datum in manerio nostro de Thorp  
juxta Ebor. xxij die mensis Januarii A.D. MCCCCXXI,  
et nostrae translationis xv<sup>mo</sup>.

## LVIII.

lxxxviii. A Convocation was held at York on the Archbishop's Mandate, without a Royal Writ. The Archbishop opens with a kind of apology, alleging ancient use and present necessities; he refers to the Schism, and to the general council called by Pope Martin, to sit in "Papiensi civitate," *i.e.*, Pavia. At the Council of Constance a decree had been passed that a Council should be held every five years, and on this occasion it was to be held at Pavia in 1423. When in due time it was held it was found that none but Italian prelates ventured to be present; and so after a time it was transplanted to Siena. Here only a few ultramontane prelates appeared, and they insisted so strongly on the reform of the Church at home that Pope Martin took fright, and presently dissolved the scanty Council. In this Commission we see a remarkable development of the personnel of the Durham Diocese in this Convocation; "provosts, doctors" (of Theology and Laws) are summoned.

[Reg. Langley, Dunelm., f. 112 b].

<i>Commissio</i> <i>Archiepiscopi</i> <i>Eboracensis pro</i> <i>Convocatione</i> <i>Cleri.</i>	}	Henricus [Bowet] permissione divina Ebor. Archiepiscopus, etc., venerabili fratri nostro Thomae [Langley] D. G. Dunelmensi episcopo suffraganeo nostro, virove in spiritualibus vicario generali
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salutem et fraternam in Domino caritatem. Cum itaque sacrorum canonum edoceant instituta ut per metropolitanos singulos in suis provinciis pro discutiendis cum debita maturitate arduis emergentibus negotiis omni anno provincialia concilia celebrentur, eo tamen praecipue tempore vigilantiori studio convenit hujusmodi concilia convocari, cum emergerint gravia et insolita negotia quae absque plurium peritorum consilio facile nequeunt expediri, unde ex causis praemissis diversis et arduis statum et reformationem ecclesiarum et ecclesiasticarum personarum nostrae Ebor. provinciae concernentibus ac ob nonnulla alia quae circa generale concilium sanctissimi in Christo patris et domini nostri

domini Martini divina providentia Papae moderni in civitate Papien (*sic*) auctoritate statutum et propius celebrandum, nostrum concilium provinciale duximus convocandum. Nos auctoritate nostra metropolitana suffulti vobis venerabilis frater in virtute obedientiae injungimus et mandamus, vosque tenore praesentium peremptorie citamus ac per vos priorem ecclesiae vestrae Cathedralis Dunelmensis et capitulum ejusdem ac universos Abbates et Priores proprios Abbates non habentes, exemptos et non exemptos, necnon Decanos, Archidiaconos, Praepositos, Sacrae Theologiae Professores ac juris canonici et civilis doctores, capitula, conventus, et collegia, clerumque totius dioceseos vestrae ac civitatis Dunelmensis citari volumus, et mandamus quatenus vos venerabilis frater dictique Abbates, Priores, Decani, Archidiaconi, praepositi, professores, et doctores personaliter, capitula vero conventus et collegia singula per procuratores singulos, clerusque per duos procuratores sufficienter instructos plenam et sufficientem potestatem ab ipsis obtinentes, compareatis et compareant coram nobis seu nostris Commissariis pluribus aut uno in ecclesia nostra Cathedrali et metropolitana Ebor. die Mercurii proximo post festum sancti Matthaee apostoli (23rd September), etc. (the remainder being a common form). Datum apud Thorp juxta Ebor. 7<sup>o</sup> Aug. 1422 et nostrae translationis xv<sup>o</sup>.

## LIX.

lxxxix. A Mandate from Archbishop Henry Bowet, early in 1423, contains an account of the way in which Ambassadors commissioned to the General Council were paid. This Council was summoned to meet at Pavia, and was afterwards transferred to Siena. It was dissolved in 1424, with an order, which makes it a kind of adjournment, to meet again at Basle in 1431.

[Reg. Langley, Dunelm., f. 279].

*Mandatum ad  
levandam [taxam]  
concessam  
ambassiatoribus  
ad Consilium  
Generale.*

Henricus, permissione divina Eboracensis Archiepiscopus, Angliae primas, et Apostolicae sedis Legatus Venerabili fratri nostro Domino Thomae, Dei gratia Dunelmensi episcopo suffraganeo nostro ejusve in spiritualibus Vicario Generali salutem, et fraternam in Domino caritatem. Quia jam noviter in consilio nostro provinciali in domo capitulari ecclesiae nostrae Eboracensis 23<sup>o</sup> die mensis Septembris, anno domini 1422 celebrato et usque 20 diem mensis Novembris proximum continuato, praelati et clerus provinciae nostrae Eboracensis venerabilem fratrem nostrum dominum Rogerum Dei gratia Karliolensum episcopum sacrae paginae professorem, et egregium virum Magistrum Willelmum Gray, ecclesiae nostrae Eboracensis antedictae Decanum, legum doctorem, ac honorabilem et religiosum virum fratrem Johannem priorem Monasterii de Bridlyngton ordinis sancti Augustini nostrae dioeceseos, in sacra theologia licentiatum, nominarunt elegerunt et deputarunt dictae nostrae provinciae ambassiatores, oratores, procuratores, ac nuncios ad Concilium Generale circa initium mensis Maii proxime venturum auctoritate domini nostri Papae celebrandum destinandos ad tractandum consentiendum et concludendum in his quae ibidem decerni statui et ordinari contigerint ad pacem et reformationem status universalis ecclesiae inibi faciendam, et eisdem ambassiatoribus et oratoribus in supportationem onerum et expensarum eorundem de qualibet libra beneficiorum dignitatum praebendariorum, officiorum, praepositarum, hospitalium et cantariarum auctoritate ordinaria intitulatorum, taxatorum et non taxatorum, spiritualium et temporalium temporaliumque spiritualibus annexorum quorumcumque. De taxatione secundum novam taxam et non taxatis secundum verum valorem eorundem beneficiorum non taxatorum juxta vestrum arbitrium moderandum tres denarios gratanter concesserunt et assignarunt per officium singulorum Archidiaconorum



infra dictam nostram provinciam constitutorum, citra festum Cathedrae Sancti Petri proxime venturum levandos et colligendos et ad dictum festum indilate solvendos. Fraternitati vestrae, Reverende, injungimus et mandamus quatenus pecunias praedictas in forma concessionis exinde factas per Officiales Archidiaconorum vestrorum seu alios secundum commendandae vestrae discretionis arbitrium exigimus et levare demandetis et faciatis etiam oneratos ad hujusmodi solutionem citra dictum festum per quamcumque censuram ecclesiasticam compellentes, ipsosque pecunias sic levatas circumspicere viris Domino Thomae Parker et Magistro Ricardo Arnall dictae ecclesiae nostrae Eboracensis canonicis seu eorum alteri hujusmodi receptoribus pecuniarum in ea parte specialiter deputatis, citra dictum festum Cathedrae Sancti Petri in ecclesia nostra memorata solvi et liberari facere et mandare velitis, ne hujusmodi ambassiatorum transitum ad ipsum Consilium Generale, quod absit, impediatur solutio retardata in dispendium nostrae provinciae antedictae.

Datum apud Cawod, 7<sup>o</sup> die mensis Januarii A.D. 1422 supradicto, et nostrae translationis xvi<sup>o</sup>. Receptae fuerunt hae litterae apud Aukland 22<sup>o</sup> die mensis Jan. anno domini suprascripto.

xc. A Convocation was held in York on a Royal Writ on the 6th October, 1424, in the vacancy of the Archiepiscopal see, caused by the death of Henry Bowet, 20th October, 1423: his successor, John Kemp, was not translated to York till 1426.

#### I.X.

Archbishop Kemp held his Provincial Council in August, 1426, and signalized his accession to the Archiepiscopal throne by an attack on heresy, which had by no means ceased to spread in consequence of Wickliffe's death on the last day of 1387. Up to this time, although the Southern Province had been much disturbed by the new movement, the Northern had been but little touched by it. At this time, however, we come across an instance

of uneasiness. For Thomas Richmond, a Brother of the House of the Minorites of York, was now summoned before the Archbishop's Court and the Convocation.

[Reg. Kemp, Ebor., f. 314.]

Acta in Domo Capitulari ecclesiae Cathedralis Ebor. 29<sup>o</sup> die mensis Julii A.D. 1426, coram venerabili viro magistro Johanne Selow, in decretis licentiat, canonico residentiario ecclesiae Cathedralis Eboracensis praedictae, reverendissimi in Christo patris ac domini Johannis [Kemp] D. G. Ebor. archiepiscopi, Angliae primatis, et apostolicae sedis legati, in spiritualibus vicario generali. In praesentia venerabilis patris domini Nicolai, D. G. Dromorensis episcopi, praefati reverendissimi patris suffraganei; ac magistrorum Briani Fairfax, legum doctoris, et Johannis Carleton, Canonicorum ecclesiae Cathedralis praedictae, ac praefati reverendissimi patris scaccarii Ebor. receptoris Edmundi Kirketon, in theologia, ac Johannis Carleton, legum doctorum, ac Thomae Car, civis et mercatoris civitatis Ebor., necnon mei Johannis Belvas, clerici Ebor. dioeceseos, notarii publici ac dicti venerabilis viri vicarii generalis in hac parte scribae.

Quidam frater Thomas Richemond, Ordinis Minorum civitatis praedictae, super eo quod ipse in die sanctae Annae matris Mariae virginis, in quadam capella de novo constructa super pontem stagni Fossae civitatis praedictae, quaedam verba et opiniones contra ecclesiam fidem ac ministros ecclesiae publice coram clero et populo in multitudine copiosa ibidem congregatis proposuisset, citatus comparuit, et dictum articulum sibi per praefatum vicarium venerabilem oretenus ex officio expositum, et objectum negavit, protestans palam et publice, ut asseruit, quod si aliqua verba indeliberate contra ecclesiam, fidem, seu ministros ecclesiae fuerint per eum, ut praemittitur, prolata, noluit ex contumacia, ut asseruit, defendere, sed tanquam filius ecclesiae et obedientiae praefato reverendissimo patri ac ejus ministris et concilio in omnibus obedire. Unde praefatus venera-

bilis vir Magister Johannes Selow, vicarius generalis, assignavit sibi diem Veneris proximum post festum sancti Petri ad Vincula proxime futurum loco praedicto coram eodem seu aliis commissariis praefati reverendissimi patris, ad exhibendum suum verum sermonem in scriptis redactum, verum tenorem ejusdem in se continentem, ac ad faciendum ulterius et recipiendum quod juris fuerit in hac parte. Quo die Veneris adveniente, loco praedicto, coram praefato venerabili viro Magistro Johanne Selow, vicario generali, praefatus pater Thomas Richemond comparuit personaliter ac ejus sermonem alias per eum propositum in quodam papiro sua propria manu conscriptum, ut asseruit, exhibuit tunc ibidem, ac pro majori declaratione veritatis ejusdem idem frater Thomas ad mandatum praefati vicarii generalis tactis Sacrosanctis Evangeliiis corporale praestitit juramentum, quod fuit idem sermo in omnibus, secundum sui sensus intellectum, quem alias in die S. Annae in capella proposuit memorata; praefatus qui vicarius generalis, habita deliberatione aliquo modo super eodem, praefatum fratrem Thomam monuit, ut ab hujusmodi publicis praedicationibus abstinere, quousque dicta materia per praefatum reverendissimum patrem seu ejus vicarium generalem, sive commissarios, plenarie fuerit discussa et determinata; necnon eidem fratri Thomae diem Martis proximum ante festum assumptionis B. V. M. proxime futurum, loco praedicto, ad audiendum videndum recipiendum et faciendum super exhibitis et exhibendis in hac parte quod juris fuerit et rationis, praefixit et assignavit; praesentibus venerabilibus et discretis viris Magistris Ricardo Arnall, curiae Eborum officiali, Johanne Carleton, praefati reverendissimi patris scaccarii Eborum receptore, ecclesiae cathedralis Ebor. Canonicis, Edmundo Kirketon, in theologiae et Johanne Carleton legum doctoribus, Rogero Esyngwald in legibus bacalareo, Thoma Carr, cive et mercatore civitatis Ebor. praedictae ac me Johanne Belvas clerico, notario publico, et praefati vicarii generalis scriba.

ACTA IN CONVOCATIONE CLERI TOTIUS PROVINCIAE  
EBOR.

Acta in domo capitulari Ecclesiae Cathedralis Ebor. 12 die mensis Augusti, anno Domini MCCCCXXVI. In convocatione generali praelatorum et cleri Ebor. provinciae auctoritate et commissione reverendissimi in Christo patris et domini, domini Johannis, Dei gratia Ebor. archiepiscopi, Angliae primatis, et apostolicae sedis legati, per venerabiles in Christo patres et dominos, dominos Thomam [Langley], Dei gratia Dunelmensem et Willielmum [Barrow], Karliolensem episcopos, necnon venerabilem et religiosum virum fratrem Willielmum abbatem monasterii beatae Mariae extra muros civitatis Eborum ipsius reverendissimi patris in hac parte commissarios cum clausa (? carta) conjunctim et divisim, specialiter deputatos, tunc ibidem celebrata. Praesidentibus ibidem eisdem dominis commissariis et in praesentia eorundem, ac aliorum praelatorum, et totius cleri in ipsa convocatione congregatorum; verbo Dei per venerabilem eximiae scientiae virum, magistrum Johannem Roxby, famosum in theologia doctorem, habentem pro themate istud Joshuae "Vocavit Joshue majores" ut moris est, proposito; commissione quoque doctorum dominorum commissariorum de mandato eorundem publice perlecta; praefatus venerabilis pater dominus Dunelmensis episcopus suorum concommisariorum, hac vice, vivae vocis gerens organum, praelatos et clerum in convocationibus Ebor. provinciae vocari consuetos, ad hos diem et locum legitime citatos, et praemunitos publice facit praeconizari; quibus praeconizatis, et quibusdam personaliter, quibusdam per procuratores, et quibusdam nullo modo comparentibus, certificatoriis quoque et procuratoriis ibidem exhibitis, et ostensis, ac penes registrarium domini Ebor. archiepiscopi dimissis, dominus Dunelmensis episcopus, de consensu compraesidentium suorum, nolens, ut asseruit, absentibus nimis fore rigorosus, ex gratia sua speciali ipsos absentes diutius duxit expectandos, et ipsam convocationem usque ad

horam 3<sup>m</sup> ejusdem diei post nonam ibidem continuavit. Qua hora adveniente, et dictis dominis commissariis in loco solito iterum praesidentibus, praelati et clerus praedicti, de mandato dominorum praesidentium ad partem se divertentes, reverendum et magnae discretionis virum magistrum Johannem Castell, sacrae paginae professorem, in ipsorum referendarium concorditer, ut apparuit, elegerunt; quo per praelatos et clerum praedictos praefatis dominis praesidentibus praesentatus, ipsi praesidentes praefatum magistrum Johannem, onus referendariatus hujusmodi cum praestatione consueta sponte in se suscipientem, tanquam habilem atque dignum benevole admiserunt. Et communicatos per dominos praesidentes certis arduis materiis, in civitate dioecesi et provincia Ebor. tunc noviter exortis et emersis, et eisdem materiis praelatis et clero publice expositis et declaratis, domini praesidentes affectarunt et mandarunt, ut praelati et clerus praedicti super his et aliis infra Ebor. provinciam, auctoritate ipsius sacrae convocationis merito corrigendis et reformandis, usque in crastinum bona cum maturitate deliberarent, et ad ea reformanda sanum eorum consilium ipsis praesidentibus impenderent et ministrarent. Quo facto, dominus Dunelmensis episcopus ipsam convocationem usque in horam octavam ante nonam diei Martis proxime tunc sequentis in domo capitulari supra dicta continuavit. Qua hora diei Martis adveniente, et sedentibus iterum loco quo supra, commissariis supradictis, comparuerunt, ut prius, praelati et clerus ac referendarius antedictus; qui referendarius suo et praelatorum, ac totius cleri nomine exhibuit ibidem coram dictis dominis praesidentibus quosdam articulos erroneos, haeresim, ut apparuit, sonantes, per quendam fratrem Thomam Richemond, ordinis Minorum civitatis Ebor. in quadam capella S. Annae matris Mariae Virginis super pontem stagni de Fosse civitatis Ebor. noviter constructa, in die S. Annae ultimum praeterito, coram populo in multitudine copiosa clericorum et laicorum ibidem



congregato, in lingua vulgari et materna publice, ut asseruit, praedicatos; et petiit dictus referendarius suo et totius convocatione nomine, ut error iste, sic noviter inductus et praedicatus, per dominos praesidentes, et ipsam sacrae convocationem emendaretur et reformaretur; dixit enim, quod tantus error in tanta audientia praedicatus et divulgatus, in multa mala et incommoda verisimiliter provenire posset, nisi citius debitis occurratur remediis et opportunius: qui quidam articuli sequuntur, et sunt tales:

Sacerdos in peccato mortali lapsus, non est sacerdos. Iterum dico quod non est sacerdos, et tertio dico quod non est sacerdos coram Deo.

Item quod saecularis iudex manum imponens violentam in sacerdotem mortaliter delinquentem, in sacerdotem manum violentam non imponit.

Item quod haec duo, scilicet, thurificare in Veteri Testamento, et eucharistiam consecrare in Novo, solum et in solidum includunt et exprimunt officium sacerdotale.

Item quod ecclesia nolente vel non puniente fornicarios, licitum est secularibus eosdem poena carceris castigare, et ad hoc astringuntur vinculo caritatis.

Item quod nonnulli tam mulieres quam presbyteri modo, quod dolendum est, non verentur perjurii peccatum incurrere; et ecclesia circa suspectos de peccato mortali, praeter abjurare, non habet ultra facere; propterea licet iudici seculari nedum mulieribus, sed presbyteris suspectis insidias ponere, et eosdem deprehensos publice per vicos adducere, et iudici praesentare.

Item quod sacerdos per laicos captus, carceres intrare recusans, licite ab eisdem secularibus verberibus compelli possit adire, absque injectione manuum violentarum quarumcunque, eo quod licitum sit vim vi repellere.

• Quibus articulis inspectis et perlectis, et ipsis inter dominos praesidentes ac totam convocationem communicatis, de mandato dictorum dominorum praesidentium,

comparuit praefatus frater Thomas Richemond, qui alias coram venerabili viro magistro J. Selow, in decretis licentiato, canonico residentiario ecclesiae cathedralis Ebor. praefati reverendissimi patris domini Ebor. archiepiscopi vicario in spiritualibus generali, super eisdem articulis judicialiter impetitus, habuit istos diem et locum ad comparendum coram praefato reverendissimo patre seu ejus commissario ad audiendum, videndum, recipiendum, et faciendum super exhibitis et exhibendis in hac parte, quod juris fuerit et rationis, prout in actis ejusdem vicarii generalis desuper confectis liquet magis clare. Lectis igitur, et publice dicto fratri Thomae recitatis singillatim articulis suprascriptis, idem frater Thomas omnes et singulos, prout ponebantur, simpliciter denegavit. Interrogatus de primo articulo, sub qua forma verborum eundem protulit, fatebatur se dixisse, sacerdotem in peccato mortali lapsum, non esse sacerdotem quantum ad Deum. Adduxit etiam idem frater Thomas secum ad eosdem diem et locum tres fratres ordinis sui, viz. fratrem Johannem Milton, Johannem Hamsthwayte, et Thomam Waltham, in subsidium, ut videbatur, defensionis articulorum praescriptorum; qui per dominum Dunelmensem episcopum super primo articulo ibidem examinati, fatebantur se praesentes fuisse in sermone praefati fratris Thomae, et audivisse ipsum praedicantem primum articulum de verbo ad verbum, prout ponitur; dixerunt tamen se nolle dicta et praedicta per ipsum fratrem Thomam quovismodo defendere, nec manutenere. Tandem praefatus Tho. Richemond ad cor, ut apparuit, reversus, ac plenius et maturius deliberatus, in praesentia dominorum praesidentium totiusque convocationis et viri J. Arston, et Johannis Belvas, clericorum, notariorum publicorum, et scribarum dictorum dominorum praesidentium, publice fatebatur, eosdem articulos in omnibus et per omnis, prout ponuntur, erronee se publice praedicasse; revera tamen dixit, quod ipsos articulos nequaquam pertinaciter defendere vellet, sed veniam postulans, ac appellationibus, privilegiis, defensionibus, ac aliis juris

remediis quibuscunque expresse renunciâs, ut asseruit, correctioni S. matris ecclesiæ, et reverendissimi in Christo patris et domini, domini Johannis, Dei gratia Ebor. archiepiscopi, prout in submissione et confessione suis manu sua propria in scriptis redactis, et per eundem ibidem publice perlectis, plenius continetur, se submitit ; quarum submissionis et confessionis tenor sequitur in hæc verba :

Ego Thomas Richemond fateor me in his articulis præscriptis erronee dixisse et prædicasse in vulgari, et ideo me humiliter submitto pure et sponte, absque coactione quacunque, correctioni Sanctæ matris ecclesiæ et reverendissimi in Christo patris et domini, domini Johannis, Dei gratia Ebor. archiepiscopi, Angliæ primatis, et apostolicæ sedis legati, et reverendorum in Christo dominorum episcoporum Dunelmensis et Karliolensis et abbatis monasterii beatae Mariæ Ebor. hoc sacro concilio præsidentium, caeterorumque praelatorum et cleri convocatorum. Qua submissione per ipsos dominos præsidentes benevole et gratiose, ut apparuit, admissa, et acceptata, dominus Dunelmensis de consensu conpræsidentium suorum, post aliqualem contrectum inter eosdem habitam, eidem fratri Thomæ diem Lunæ, viz. 2<sup>m</sup> diem mensis Septembris proxime futurum, ad comparandum personaliter coram præfato reverendissimo patre domino archiepiscopo, aut ejus commissario, vel commissariis ad hoc fore deputando, vel deputandis, ubicunque ipsum dominum archiepiscopum infra suam dioecesim protunc esse contigerit, ad faciendum et recipiendum ulterius in hac parte, quod fuerit justum, præfixit et assignavit : ac ipsam Convocationem usque ad octavum horam diei sequentis viz. 14 diei Augusti, in Novis Scolis\* ecclesiæ Ebor. continuavit tunc ibidem.

\* Mr. Leach, *Yorkshire Schools*, I, xxix, says that in 1289 the old Schools were pulled down, as they stood on the site required for the Nave of the Minster : and that then the schools were held (for a time at least) in the house of the Prebendary of (?) Donnylin's. Mr. Cooper thinks that these Novæ Scholæ in 1426 were on the site of a building, now called the Old Residence, at the S.E. corner of the Minster.

Et iisdem die et loco, quibus proxime supra, religiosus vir abbas monasterii de Holmecoltram, ordinis Cisterciencium Karliolensis dioceseos coram dictis dominis commissariis et praesidentibus convocationis, et nobis Johanne Belvas, et Johanne Arstone, clericis, notariis publicis, dictorum dominorum praesidentium in hac parte scribis, constituit, penes acta, suos veros et indubitatos procuratores magistros Johannem Selby, et Thomam Uldale curiae Ebor. advocatos, conjunctim et divisim, et utrumque eorum, per se et in solidum ad comparandum et interessendum vice et nomine suo, ac pro eodem in praesenti convocatione, et cum praelatis ac clero de omnibus et singulis in eadem convocatione communicandis tractandum, et his, quae ibidem ordinari contigerit, consentiendum, caeteraque faciendum, exercendum, et expediendum, quae in praemissis necessaria fuerint, cum certis clausulis necessariis et consuetis.

Qua hora octava adveniente, in Novis Scolis praedictis praefatus venerabilis pater Karliolensis episcopus, hac die in dicta convocatione praesidens, ipsam convocationem usque ad horam octavam diei Veneris proxime sequentis in domo capitulari Ecclesiae Ebor. praedictae continuavit. Qua hora adveniente, in domo capitulari praedicta comparentibus iterum praelatis et clero coram praefatis dominis praesidentibus, Referendarius praelatorum et cleri praedictorum, propter instans tempus messis, petiit dictam convocationem, si suis placeret reverentiis, pro commodo et utilitate totius cleri gratiose dissolvi; super qua petitione per dictos dominos praesidentes communicatione inter se habita et tractatu, dominus Dunelmensis propter certa ardua eis inposterum declaranda, dixit se dictam convocationem nondum dissolvere posse, ac ipsam usque in octavam horam diei sequentis, videlicet xviii diei Augusti, in Novis Scolis praedictis continuavit. Et eodem die venerabilis in Christo pater et dominus dominus Willelmus, Dei gratia Karliolensis episcopus, in domo capitulari praedicta coram venerabili in Christo patre et domino, domino

Dunelmensis episcopo ; magistros J. Selow, et Johannem Carletone, ecclesiae cathedralis Eborum canonicos, conjunctim et divisim, penes acta suos constituit procuratores ad comparendum, ut supra. Qua hora 8<sup>a</sup> Sabbati adveniente, praesidentibus iterum, ut supra, dominis commissariis supradictis, comparuerunt, ut prius, praelati et clerus praedicti cum suo referendario ; qui referendarius coram ipsis praesidentibus allegans ipsam temporis ingruentiam et inconvenientiam, petiit magna cum instantia, si suis placeret reverentiis, ipsam convocationem dissolvi. Quo petito, dominus Dunelmensis habitis tractatu et deliberatione cum compraesidentibus suis, dicto referendario ac praelatis et clero respondebat, quod ipse revera et collegae sui, convocationem istam, inconsulto domino Archiepiscopo, et absque ejus speciali mandato, dissolvere nollent, nec potebant ; praefatis tamen praelatis et clero, ac eorum referendario semper magis et magis dissolutionem convocationis postulantibus, supervenerunt statim strenui ac nobiles domini, dominus le Talbot, et dominus Ricardus Nevyll, et milites, per dominum nostrum regem et concilium suum illuc, ut dicebant, transmissi, qui coram praesidentibus et tota convocatione suum referentes nuncium, certa negotia ardua statum et defensionem regnorum Angliae et Franciae concernentia, ipsos praelatos et clerum ad subsidium defensionis hujusmodi moventes et hortantes, ibidem proposuerunt et declararunt. Quibus propositis, et dictis militibus domum convocationis exeuntibus, dominus Dunelmensis de consensu compraesidentium suorum praelatis et clero dixit : Carissimi, jam audivistis quid dixerunt vobis isti domini, et verbis amicabilibus et allectivis ipsos alloquebatur, et induxit, prout et collegae sui fecerunt, quod ipsi praelati et clerus imminentem necessitatem defensionis regnorum Angliae et Franciae, per dictos milites coram eis de mandato regis et concilii expositam, et declaratam temeriter considerare vellent, et ad hoc, de facultatibus suis benevole subvenire, ac domino nostro regi et suo concilio in hac parte complacere.



Et mandavit, ut praelati et clerus seorsim se diverterent, et super his effectualiter communicarent. Quibus aliquandiu inter eos communicatis, ac ipsis et clero ad praesidentes redeuntibus, ipsorum referendarius coram dominis praesidentibus magnam et notoriam ipsius cleri allegans paupertatem, prout et diversi notabiles viri de clero diversimode id ipsum allegebant; dixit, cum ea tamen, qua decuit, reverentia et honore, tempus istud praesentis convocationis, propter instans tempus autumnale, juxta omnem rationem atque jura non esse aptum nec conveniens ad tractandum tunc ibidem de his, quae praefati milites eis exposuerunt, et declararunt; scilicet utique circa granorum et decimarum inorreationem, de quibus per totum annum vivere oportet, potius intendendum fore et laborandum; et petiit, prout supra, praesentem convocationem ea de causa dissolvi, aut saltem ad maturius tempus, et tempus magis conveniens et idoneum prorogari. Quo petito, licet dominum Dunelmensis et compraesidentes sui multis persuasionibus et mediis allectivis praelatos et clerum ad complacendum domino nostro Regi et suo concilio, et ad concedendum ea vice aliquid ad dictorum regnorum defensionem, ut sic alias graviore et ampliores vitarent expensas, si forte hujusmodi convocationem ad aliud tempus prolixius contigerit prorogari, inducerent et excitarent; ipsi tamen praelati et clerus multo magis petebant et affectabant convocationis dissolutionem, aut saltem ipsius ad tempus magis idoneum prorogationem longiorem. Habita igitur communicatione super petitionem hujusmodi, dominus Dunelmensis istam convocationem usque ad horam octavam diei Lunae, xixi diei Augusti, continuavit. Eodem die venerabilis pater dominus Dunelmensis episcopus supradictos constituit, penes acta, suos procuratores magistros J. Selow et Ricardum Arnall, ecclesiae Ebor. canonicos, necnon magistrum Willielmum Doncastre in jure civili baccalarium, conjunctim et divisim, ad comparendum et interessendum vice et nomine suis in hac praesenti convocatione, quotiens ipsum abesse

contigerit, ac etiam locis et diebus, ad quae vel quos ipsam convocationem contigerit prorogari, ac cum praelatis et clero de omnibus et singulis ibidem communicandum, tractandum, et his, quae ibidem ordinari contigerit, consentiendum, cum caeteris clausulis necessariis et opportunis. Quo die Lunae adveniente, praelatis et clero cum eorum referendario in Novis Scholis coram praesidentibus convocationis iterum comparentibus, et convocationis dissolutionem postulantibus, dominus Dunelmensis habita super petitis deliberatione, ad instantem supplicationem praelatorum et cleri, ac eorum referendarii, convocationem istam usque in diem Sabbati proxime post synodum proximam domini Ebor. archiepiscopi in domo capitulari ibidem continuavit.

Subsequenteque nono die mensis Septembris anno Domini MCCCXXVI in capella infra manerium reverendissimi in Christo patris et domini, domini Johannis, Dei gratia Ebor. archiepiscopi, Angliae primatis, et apostolicae sedis legati, de Cawode suae Ebor. dioeceseos situata et coram eodem reverendissimo patre, pro tribunali sedente comparuit praefatus frater Thomas Richmond, juxta assignationem sibi alias per dominum factam; cui praefatus reverendissimus pater omnia et singula, prout in actis suprascriptis continetur, ac suas submissionem et confessionem alias per ipsum coram venerabilibus in Christo patribus dominis Thoma, Dei gratia Dunelmensi et Willelmo [Barrow], Carliolensi episcopis, ac fratre Willelmo abbate monasterii beatae Mariae Ebor. commissariis praefati reverendissimi patris et domini, domini Johannis [Kempe], Ebor. archiepiscopi, caeterisque praelatis et clero Ebor. provinciae, in consilio provinciali in domo capitulari ecclesiae Ebor. congregatis, per ipsum factus, superficialiter recitavit; quibus sic, ut praemittitur, recitatis, et per eundem fratrem Thomam Richemonde publice ibidem confessatis, de mandato dicti domini Eboracensis archiepiscopi, tactis sacrosanctis evangeliis, corporale praestitit juramentum verborum sequentium sub tenore;

“Ego Thomas Richemonde ab hac hora inantea abjuro praedicare docere manutenere seu defendere errores et haereses, per me in die Sanctae Annae ultimum praeterito publice praedicatos, et in judicio in domo capitulari ecclesiae Ebor. coram venerabilibus patribus dominis Thoma Dunelmensi, et Willelmo Carliolensi episcopis, et fratre Willelmo abbate monasterii beatae Mariae Eborum commissariis vestris supradictis, ac caeteris praelatis et clero ibidem praesentibus per me publice confessatos necnon alios errores, et haereses quoscunque, et dictos et praedicatos revocabo, annulabo, et destruiam juxta posse, et poenitentiam mihi per vos, reverendissime pater, pro praemissis injungendam, humiliter adimplebo ; sic me Deus adjuvet, et haec Sancta Dei evangelia.” Quo facto, praefatus reverendissimus pater, habita deliberatione aliquali super praemissis, eundem fratrem Thomam omnia praemissa sic sponte, ut apparuit, confitentem et veniam humiliter postulantem, ab officio publicae praedicationis, quousque se emendaverit, et ab eodem reverendissimo patre, vel a successoribus suis gratiam in hac parte obtinere invenerit, suspendit ac facultatem publice praedicandi sibi interdixit ; necnon eidem fratri Thomae, virtute juramenti sui praestiti, injunxit, quod ipse quandam revocationem errorum et haereseos, per ipsum publice praedicatorum et confessorum, per eundem reverendum patrem, et ejus consilium in scriptis redigendam, et eidem fratri Thomae tempore congruo liberandam, publice ad unum sermonem infra civitatem Eboracensem die et loco limitandis, propter revocationem errorum hujusmodi per alium de assignatione dicti reverendissimi patris deputandum, faciendum, et publice praedicandum, notificabit et publicabit in vulgari : Praesentibus venerabilibus et discretis viris magistris Ricardo Arnall, ecclesiae Ebor. canonici, curiae Ebor. officiali, Willelmo Felter, legum doctore, praefati reverendissimi patris Cancellario, Johanne Carletone, ecclesiae Ebor. canonico, Edmundo Kirketone, sacra paginae professore, Rogero Esyngwalde, in legibus

bacallario, curiae Ebor. commissario generali, ac aliis multitudine copiosa ; necnon me Johanne Belvas, clerico, notario publico, et dicti reverendissimi patris in hac parte scriba.

“Cujus quidem revocationis tenor sequitur, et est talis.” (Here follows a confession in English).

Quo die Sabbati, viz. v<sup>o</sup> die mensis Octobris, anno Domini supradicto, in domo capitulari praedicta, venerabilis et religiosus vir frater Willelmus, abbas monasterii beatae Mariae Ebor. commissarius praefati reverendissimi patris, cum ceteris collègis cum aliis conjunctim et divisim in hac convocatione deputatus praesidens, decrevit et mandavit praelatos et clerum supradictos iterum de novo praeconizari ; quibus praeconizatis, et quibusdam personaliter, quibusdam per procuratores, et quibusdam nullo modo comparentibus, dixit, se velle absentes nullo modo comparentes, usque ad diem Lunae proximum quo die credidit, ut asseruit, dominum episcopum Dunelmensem personaliter interesse, de speciali gratia expectare. Ad quem diem idem commissarius voluit, ut dixit, eandem convocationem, si viderit eis opportunum, continuere ; cui continuationi unanimiter consenserunt. Quo facto, eandem usque ad horam nonam diei Lunae proxime sequentis, loco praedicto, continuavit. Qua hora diei Lunae adveniente, loco praedicto, coram domino Dunelmensis episcopo, et abbate monasterii beatae Mariae Ebor. commissariis praesidentibus, praelatis et clero cum suo referendario iterum comparentibus idem referendarius instanter petiit dictam convocationem dissolvi, ac eosdem praelatos et clerum, propter ipsorum notoriam paupertatem, si suis placeret reverentiis, in pace dimitti. Quo facto, dominus Dunelmensis episcopus de consensu concommisarii sui habita prius deliberatione aliquali super petitis, nolens, ut asseruit, sic indeliberate dictam convocationem, propter urgentes necessitates regis et regnorum Angliae et Franciae, dissolvere ; eandem usque ad horam octavam

diei Martis proxime sequentis, loco praedicto, ut interim super praemissis melius poterint deliberare continuavit. Qua hora octava diei Martis proxime adveniente, loco praedicto, praesidentibus iterum, ut supra, dominis commissariis supradictis, comparentibus etiam, ut prius, praelatis et clero, cum suo referendario antedictis, supervenerunt praepotens et nobilis dominus comes Northumbriae, et strenuus vir, dominus Ricardus Nevyl, milites, per dominum nostrum regem et suum consilium, ut asseruerunt, illuc destinati; qui coram praesidentibus et tota convocatione ibidem congregata, imminentem necessitatem defensionis regnorum Angliae et Franciae, ac alias causas notabiles statum regis nostri concernentes, allectivis mediis ibidem exposuerunt. Et his gestis ac praefatis dominis extra domum capitularem redeuntibus, dominus Dunelmensis mandavit, ut praelati et clerus cum suo referendario seorsim se diverterent, et super his ibidem per praefatos dominos satis clare expositis effectualiter communicarent. Quibus aliquamdiu inter eos communicatis, ac ipsis ad dominos praesidentes redeuntibus, praefatus referendarius, facta prius protestatione consueta, magnam paupertatem, et alia onera importabilia isto tempore plus solito ingruentia allegans, cum ea, qua decuit, reverentia, dictam convocationem petiit, ut alias, dissolvendam.

Super qua petitione dominus Dunelmensis dixit se velle cum suo concommisario et aliis de consilio domini Eboracensis Archiepiscopi communicare. Habita igitur communicatione inter eosdem super petitione praedicta, dissolutionem huiusmodi convocationis eis penitus denegavit, petens eorum responsum in articulos, causas prius per eos alligatas in se continentes, in scriptis redigi, et domino archiepiscopo Ebor. destinari pro excusatione sua, ac omnium aliorum in hac convocatione interesse habentium penes dominum nostrum Regem et ejus consilium. Quo facto, dominus Dunelmensis, ut melius et maturius super praemissis deliberaret, eandem convocationem usque ad horam octavam ante nonam diei Martis



proxime loco praedicto continuavit. Qua hora octava diei Mercurii adveniente, loco praedicto, comparentibus iterum praelatis et clero coram dominis praesidentibus, referendarius eorundem allegavit, quod nunquam fuit visum, scilicet expresse contra consuetudines laudabiles istius provinciae facere aliquos articulos seu saltem eorum responsum in scriptis redigi, seu ore-tenus coram praesidentibus per referendarium proferri; petens dictam Convocationem, si suis placeret reverentiis, propter ipsorum notoriam paupertatem, et alia quamplurima incommoda, his diebus plus solito accidentia, dissolvi. Quo petito, Dominus Dunelmensis dixit se non posse, inconsulto Domino Archiepiscopo, dictam Convocationem dissolvere; ac habita super praemissis deliberatione aliquali cum suis concommisario et consilio Domini, eandem Convocationem usque in crastinum sancti Matthiae Apostoli loco praedicto continuavit.

## LXI.

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## THE DEFENCE OF BROTHER THOMAS RICHMOND.

[Reg. Kempe, f. 316 v.]

Sirs ye soth es yt I frer Thomas Richmond in ane open s'mon on Saynt Anne day last passid p'chid certayn maters ye whilk moved and sterid aft'ward grete trubill heuynes and murmr emang ye pepill wher for I was soimond aft'ward to apere be for ye Vicar Gen'all of my lorde ye Archebisshop of York and after yt was I also called upon ye same to answer in ye last convocacion of ye clergi ordayne be ye auctorite of my lorde ye Archebisshop. In ye whilk Convocacion was rehersed and p'posed to me certayn conclusions and maters conteyning errours and untrew doctrine ye which I knowlegyng yt I p'posed openli ye said Saynt Anne day for such mekill I laweli submitt myself yt time ye

correcion of my lorde ye Archebisshop of York and his brether ye Bisshop of Duram and Cartel and of ye Abboth of Saynt Mari Abbay of York y<sup>t</sup> were p'sident and Com̃issar of my lorde ye Archebisshop of York and also ye correccion of ye worthi Convocacion and after yis my lorde Archebisshop beyng att Cawod yider I come to hym and ther befor hym I knawelegid my said defaute and submitt myself openli and mekely to ye gracious correccion of his worthi fad'hode. Be wham and be his auctorite I was and am charged to reherce her at yis tyme in yis s'mon ye sayd maters and errours yat I so p'chid and her openli to revoke ym to yt intent yt yai yt has bene broght in errour si my sayd p'chyng wher of I aske all myghti God lawli forgifness may be reducid and broght agayn oute of ye erro<sup>r</sup> be yis my revokynge ye whilk revocacion I am joyfull and glad w<sup>t</sup> all my hert so to make takyng comforth and occasion of ye hali doctour Saynt Austin saying in yis wyse grete wisdom et es a man to revoke y<sup>t</sup> he has evell spoken\* xxii, 9, iiiii. Ye first of ye sayd conclusions and maters es yis yat a p'ste beyng in dedely syn es no preste ye second was yis yt a seculer juge puttyng handes violently upon a preste beyng in dedely syn putt noght violent handes upon a preste. Sirs I knowlege yt yis two conclusions et open erro<sup>r</sup>s and obstinat defens of yai herisy For dedely syn putt noght nor dos noght a way ye state ordir or power of p'sthode nor of none oy yt beres ordir office or state spūall or tempall. Yt es to say dedeli syn putt noght away ye power of pope archebisshop Bishop prest kyng duke erle justice marc<sup>o</sup> nor of none oy<sup>r</sup> office nor it putt noght away ye obeciance nor ye rev'encz yt es dwe to be done to ye ordir or ye state ye reson and ye cause her of is yis For ye auctorite or power of pope Archebisshop, Bishop prest kyng duke erle justice Marc<sup>o</sup> or oy<sup>r</sup> yt standes in office ordir or state spūall or tempall

\* There are words to this effect in S. Augustini *Retractationes* (Migne, *P.L.*, vol. 32, cols. 583—656; *Epist.* cxliii, vol. 33, col. 585, and *Epist.* ccxxiv, col. 1001).

comes noght nor growes noght of ye psone in hym self nor of ye merit or demerit of hym or of his awne ppir lwyng a gov'nance of himsel but of God yat gifes all power nor no more dos ye rev'enc or ye obedience y<sup>t</sup> es done to ye ordir or to ye state yis is pved wele in gospell of Saynt John wher als our lorde Jhū Criste aperyng befor Pilat as juge and in ye apppyng his power sayd in yis wyse y<sup>n</sup> suld have no power in me bvt it wer gyven fra ye heuen above. And ye apestell Saynt Peter bidd yai yt er subiect to be obedient lawly to y' gov'nance noght allonly to ye gude but also to ye evell schowyng y<sup>t</sup> ye state of gov'nance spūall and tempall may als well stand in awe to be worschiped and obeyde in evell psones as in gude for ye obedience and rev'ence is noght done to ye psone for hym self bvt to god and to ye state in ye psone for els myght no man knawe who were prest kyng or any oyr estate nor to whome he suld obeye be way of ordir or state for his knawes noght who is in dedely syn or noght and in speciall yt dedely syn dos noght away ye ordir of power of p'sthode es pved openly in ye gospell. For Judas ye berer of Crist<sup>t</sup> purs was one of ye XII apostels and had power gifen of god w<sup>t</sup> oyr apostels miracles to make as it is sayd in ye gospell of Saynt Luc<sup>e</sup>—& power of p'sthode sac<sup>a</sup>ment to m'ster to bynd and to louse be spūall keys of ye kirk as ye gospell of Saynt Mathew beres witeniss and noght agayn standyng y<sup>t</sup> he was synfull and athese ye sac<sup>a</sup>ment yat he m'sterd for ye worthines of ye office of p'sthode yai had v'tu and strengh as halikirk lawe beres wittness in ye decre D<sup>o</sup> 19 *licz Judas\** and in many place of ye olde lawe and of ye new in full open witnes of yis same. Ye trewth of yis mater is also fulli autorized be ye iiiij<sup>r</sup> hali Docto<sup>r</sup>s ye pillers of halikirke Sant Austin, Ambross, Jerom and Saynt Gregor Saynt Austin beres wittnes in his boke de Baptismo and it is putt in ye decre of halikirke, p<sup>a</sup> 9 p<sup>a</sup> *dedit baptism' Judas†* yat ye sac<sup>a</sup>ment

\* Gratiani Decretum ; Migne, P.L., vol. 187, col. 110.

† Migne, *ubi cit.*, col. 502.

of ye kirke is so grete and so worthi y<sup>t</sup> it is noght defouled no loses noght his strength be ye m'stracion of a synfull man Saynt Ambrose in his boke de Sac<sup>a</sup>ment<sup>t</sup> declares is also whas auctorite is putt in ye decre of halikirke p<sup>a</sup> 9 p<sup>a</sup> *cum Scriptura testat<sup>r</sup>* \* and Saynt Jerom' upon Mathew declaryng yis text sayd of Criste unto Petir to ye sall I gife ye keys of heven with y<sup>t</sup> ye power of ye keys yt es to say of byndyng and lousing gyven to Saynt Petir was gyen also to oy<sup>r</sup> Bissshops and prestes gude and ill as ye Mayster of ye sentence openly declares in his fourt boke† De 9 e, and ye hali doctor Saynt Gregor declares yis same p'pos as it es rehersed in ye decre of halikirke p<sup>a</sup> 9 p<sup>a</sup> *multi secularum* ‡ For yies sac<sup>a</sup>ment<sup>t</sup> takes y' power and strength noght of ye m'itt nor beyng of ye preste bvt of ye holy goste in whas name and v'tu yai er halowed and gifen and noght in ye name of ye preste and yus god is ye chefe wirker and principall halower of ye sac<sup>a</sup>ment and ye prest is minister and s'vunt y<sup>r</sup> of as ye gospell of Saynt Marc' beres wittnes and ye holy apostell Saynt Paule in his Epistole to ye Corinthees. Yis Sentence wittnes wele Seynt Austin in his boke *de Corpe Xpi* whas auctorite is putt in ye decre of halikirke p<sup>a</sup> q p<sup>a</sup> *int<sup>a</sup> Eccl'iam Catholicam*.§ For if ye Sac<sup>a</sup>ment or ye power of ye prest toke his strength of ye beyng of ye preste yan ye halier preste suld halow and mīster ye mor haly sac<sup>a</sup>ment as more haly Baptizm or more haly sac<sup>a</sup>ment of ye Autir and yis is ane oppyn and a fals dampned erro<sup>r</sup>. For yies auctoritice and resons be for sayd and many other I knowlege yat yis is ane erro<sup>r</sup> to say yt a preste beyng in dedely syñ is no preste or yat violence done to a preste is dedely syn is noght done to a preste. The third mat<sup>r</sup> and conclusion is yis to incense in ye olde lawe and to halow ye sac<sup>a</sup>ment

\* Migne, col. 515.

† P. Lombard, *Sent.* lib. IV, *Dist.* xix, 3, in Migne, vol. 192, col. 890.

‡ Migne, vol. 187, col. 516.

§ Migne, col. 513.

of ye Autir in ye new lawe fully and allonely conceves in hym ye office of presthode I knowlege this conclusion to be ane erro<sup>r</sup> for Moises resayvyng ye lawe of god in ye hill of Synay declared to Aaron his brot' be auctorite and p'cept of God ye office of presthode chargyng hym wt many diu's<sup>l</sup> sacrifice to be done in ye temple and many oy<sup>r</sup> office rite cerimonis obs'vance and charges gifen to prestes and dekyngs yan alloneli to incense as it is fulli declared in ye secund boke of hali writt and in many oy<sup>r</sup> bokes of ye olde lawe. And in ye newe lawe is given be auctorite of Criste mi'stracion of mo sac<sup>m</sup>ent you alloneley allonely of ye blissed Sac<sup>m</sup>ent of ye Autir as ye Gospell in ye newe lawe beres opeñ wittnes. The fourt conclusion and mater is yis. Ye kirke noght punysshying or noght willyng punysshche licherus pepill it is lefull to seculers to punysshche yai be presonment and to yis er yai bounden be ye band of charite. Ye fift conclusion and mater is yis yat now both women and p'stes dredis noght to forswer yai and halikirke suspect psones of dedeli syñ has no mor to do bvt to make yaī forswer it wher for it is lawfull to seculer juges to sett wayte and spy upon suspect women and prestes and take yaī and punysshche yaī and be open stretes to lede yaī and bryng yaī to ye juge. As for yis mater I knalege yat two man' of swerdis y' is y<sup>t</sup> is to say spūall and tempall er gyven be auctorite of gód to punysshche yaī y<sup>t</sup> trespas. Of ye whilk power spek<sup>t</sup> ye gospell of Saynt Luce in ye coman lawe in ye decre of halikirke De 9, *duo sunt*.\* And so soñmaner of punysshment langes to ye tempall power ye whilk is noght oysed in ye spūall power as ye punysshying outward of lay psones for thist mans slayng and oyer y<sup>t</sup> askes payn of dede and slyke oy' y<sup>t</sup> langes to tempall lawe. Unto ye spūall power pteyns it to have knowlege in punnysshying in forsweryng in fayth broken in usury errour and heresy and many oy' emang ye whilk in speciall as for my purpos at yis tyme punnysshying of lichery lang<sup>t</sup> speciali

\* Migne, col. 458.



to ye spūall power of ye kirke. In to kennyng of yis ye holy apostell Saynte punysshed ye Corinthie y<sup>t</sup> did licheri with his fad<sup>r</sup> wyfe and yis will Saynt Austyn as it is declared in ye decre of halikirke 23 q *ecce inquit\** and also in the first boke of decretals.† *Eu<sup>a</sup> de officio iudicis ordinarie* ‡ ca<sup>o</sup> p<sup>o</sup> *perniciosam* § wher ye lawe will yat ye bisshop schuld have fre power to punyssh diue<sup>r</sup> synnes and spiali licheri wt outen lettyng of any man and in many oy<sup>r</sup> places of ye law is yis openli declared and if open lichery in cas be noght punnyssht be ye lawe offisours who so is stired be ye way of charite to amendment of yat open syn it is acordyng to hym to putt it up<sup>r</sup> be ye way of correccion to ye hegher offisours and yaī yat has grett power in ye kirke and it es noght to be supposed be any gude cristen man yat all ye offisours and forces of halikirke suld suffir y<sup>r</sup> syn openly reynyng w<sup>t</sup> outen punysshynge yis is a schamefull erro<sup>r</sup> to putt upon all haly kirke. And as no man awe wt outen leif to putt his sikyll in ane oy<sup>r</sup> mans corn so no man schuld take upon hym ye punysshment of syn yat lange noght nor pteyns noght to his power nor it is noght acordyng to reson nor to gude gov<sup>n</sup>ance nor pollicie nor to rest of ye pepill yat ye tempall power usurpe or take upon yaī ye oyse of spūall power or iurisdiccion nor ye spūall power usurp or take upon yaī yat belang<sup>t</sup> to ye tempall ptie bvt it is resonable yat ayther of yis pties stand content at his aughen iurisdiccion and holde yaī wt in y<sup>r</sup> boundes and passe yaī noght. For ye contrary her<sup>r</sup> of wer confusion of powers and iurisdiccion and a thyng y<sup>t</sup> wer lyke to sett fro day to day stryfe dissencion and dabate betwisse ye spūall power and ye tempall and as to warde y<sup>t</sup> yat

\* Migne, col. 1173.

† The reference may be to St. Augustine, quoted in *Decreti*, pars. I, Dist. viii, c. iv, c. vi, or some similar passages. (Migne, col. 46).

‡ *Extravagantes communes*, Lugd., 28 Apr., 1507, fo. v.

§ *Decreti*, par. 11<sup>a</sup>, *Causa* 18, *Quaestr.* II, C. 25, appears to be referred to, but what is the meaning of ca<sup>o</sup> p<sup>o</sup> (? capitulo primo)?—(Note by Canon Fowler).

is sayd in ye fift conclusion y<sup>t</sup> halikirke has no more power of suspect men of syn bot to make yaī forswere it I knowlege openli y<sup>t</sup> yis is noght trew bvt ane errour. For if any suspect man of syñ forswere synne and aft'warde kepe noght his othe yan halikirke may punyssh hym more grevously be suspension of halikirke and if he be malici<sup>9</sup> contumaci defend and mayntane his syn halikirke has power to cura<sup>t</sup> hym yies censures oyses halikirke in slyke maner of cas. The sext conclusion is yis yat a preste suspect of licheri taken be secular men refusing to go to y<sup>a</sup> p'son may lawfully be constreyned y' to be betyng of secular men wt outen ony violence done to p'sthode her' I knowlege openly yat yis conclusion is errone<sup>9</sup> & fals as it is declared before and fory'mod I say he y<sup>t</sup> lays violent handes upon a preste in yis man<sup>9</sup> of cas falles in to ye sentence of cursyng be ye lawe of halikirke putt in ye decree iv g e *si quis suadente diabolo*.<sup>\*</sup> Yies conclusion and maters rehersed before as untrwe techyng and erroneous as I have openli knowlegid fulli I her' forsake and noght willyng gife any man cause or occasion of erro<sup>r</sup> regres zow of godd behalve y<sup>t</sup> no man as for my prechyng hald yaī her'after or defend yaī for yaī er open and v'ray errors agayns ye law of god ye lawe of halikirke and ye sentence off doctours appved.

Quam quidem revocacoem p'fatus frat' Thomas Richemond pub<sup>ce</sup> in pulpitto die et loco sibi assignat<sup>t</sup> tamen vere submissa et malo modo ac ut appuit fraudolente cont<sup>a</sup> mandatum d'ni Ebor. Archiep'i plegit flegitq<sup>3</sup> eciam ibm quantum indenturam alta et intelligibili voce sibi ut asseruit p quemd<sup>m</sup> f'rem Joh'em Ricall s'mi Gardianu' traditam cujus indenture tenor sequit<sup>r</sup> in hec v'ba.

I frer' John Ricall Warden of ye frer' menours of ye covent of York and Vicar of our worshippfull fader pvinciall minister and also maister of divinite com-

\* Migne, col. 1070.

maundes and biddes mouthe be mouthe and in yis indenture writen betwixt me and ye to ye frere Thomas Richemond conventuall of ye forsaïd Covent be ye v'tu of ye blode of Jhū Criste shede oñ ye crosse for mans saule and in m<sup>o</sup>ite of holi obedience yat y<sup>u</sup> say no falsid no lesyng of yine owne psone nor of ye ordir nameli in pcession nor s'mon yat sall be yis day made be ye clergi in ye citee of York y<sup>t</sup> y'self nor ye ordir be noght falsli slaunderd be yure untrwe speche and lesynges and yat und' ye payn ay lastyng malisōn of god and grete cursyng and ppctuell prysanyng ye whilk paynes y<sup>u</sup> falles in in dede y<sup>t</sup> y<sup>u</sup> dos agayns ye forsaïd maundement and biddyng and nev' ye les I charge ye and biddes ye be ye v'tu of ye forsaïd p'cept y<sup>t</sup> y<sup>u</sup> do what y<sup>u</sup> kan and may wt gude treuth and gude conscience to ye plesaunce of our hegh worshippfull fader and lorde Archebisshop of York and ye worshippfull clergy of ye forsaïd citee and ye pvince langyng y'to.

Acta sunt hec lecta ac inter me et te indentura alteraque parte tibi tradita xviii die mensis Septembr' hora quasi nona in p'sentia fratrū Johannis yzuam Will'i Humbirston et Will'i Stixwald in conventu wiā p'ato.

Sequit<sup>r</sup> etiam penitentia p'fati frīs Johannis Ricall sibi p dūm Ebor. Archiepūm injuncta & p eundem in uno s'mone p eum ppoīto pu<sup>ce</sup> plecta p eo qd ipē tempe quo p'fatuo frat' Thomas Richemond p'sc'ptos artictōs erroneos debuit revocasse ac suam revocacōem p'sc'ptā clero & p'plo ibīm congregatis notorie publicasse, eundem p tradicōem die indenture ac p minas v'ba maritoria ibīm pu<sup>ce</sup> ppoitā impedivit ac clerum & pptūm p'd'cos pturbavit put inferius continet<sup>r</sup>.

Sirs it is wel knowen y<sup>t</sup> ye Wedyesday next be for Seynt Mathew day last passid y' was made a gen'all pcession in yis cite to ye priory of ye Trinite and a s'mon ordeyned to be said there in ye whilk one Frer' Thomas Richemond of myne ordir was cōmaunded and charged

be me lorde ye Archebisshop of York to agayn say certayn erroʳs ye whilk ye same frer' Thomaē confessed and knalegid be mouth and also be his awne hand wrytyng first in ye convocation of ye clergie last holden in yis cite and after be for my lorde ye Archebisshop y<sup>t</sup> he had untreuly p'chid in yis cite upon Seynt Anne day last passid at ye whilk place of ye Trinite I frer' John Ricall p'sid in to ye pulpitt be for ye worthi clerk y<sup>t</sup> was ordeyned to p'che yer at ye same tyme to ye intent to have said yer as I was avised in myself havyng no licence commaundement no auctorite y<sup>t</sup>o ye whilk thing I owet in no wise for to have done nor has noght bene seen nor accustomet to be so done be for yis tyme of ye whilk my p'syng into ye said pulpitt I am lernyd y<sup>t</sup> scisme division and murm<sup>r</sup> grew in ye pepill in so mekill y<sup>t</sup> diverse bad stande frer' and oy' bad go doune frer' and grete movement and hevynes lyke to have folowed in ye whilk my said p'syng into ye pulpitt I knowe wele y<sup>t</sup> I offended and trespass agayns god and ye lawe and y<sup>r</sup>for I aske god and halikirke and my lorde ye Archebisshop forgifnes y<sup>r</sup>of. Also ye said Wedynsday when frer' Thomas Richemond in ye tyme of ye forsayd s'mon stode up in ye pulpitt be cōmaundement of me lorde Archebisshop of York to agayn says his erroʳs I frer' John Ricall sayd unto ye forsayd Thomas Richemond y' openly heryng ye pepill comaunding hym be ye v'tu of ye blode y<sup>t</sup> Criste sched and in v'tu of obedience and also upon payn of ppctuell p'son yat he schuld not ly upon hymself nor say any thyng y<sup>t</sup> wer fals sclaunder to his ordir and y<sup>t</sup> nev' ye les he schuld do what he couthe and myght wt gude treuth and gude conscience to plesaunce of our fader ye Archebisshop of York and ye worshippfull clergie. Of ye whilk my wordes wt other wordes it is reportyd y<sup>t</sup> ye same frer' Thomas Richemond sayd on one y<sup>x</sup> upon ye whilk wordes as it is sayd in effect wer yies.

Sirs what sall I do I stande in slyke pplexite and fer' I wote noght what I shall do for I am cōmaundet

upon ye tone behalfe be my wardyn to say as it is conteyned and written in yis indentur' and on ye oy' syde I am cōmandet be my lorde ye Archebisshop for to say as it is conteyned and written in a scrowe y<sup>t</sup> is her' sent un to me and if I do yat I am undone on y one side and if I do it noght I am un done on y<sup>t</sup> oy' side. It is thoght and sayd y<sup>t</sup> I schuld intende and mene to lett y<sup>e</sup> revocacion of y<sup>e</sup> forsayd errour and so to be favouryng and drawyng to ye same errour ye whilk take God to wittnes I nev' willed no intendit for I know wele y<sup>t</sup> y<sup>e</sup> forsayd conclusions and maters ye whilk ye forsayd Thomas Richemond knowliged y<sup>t</sup> he p'chid on Seynt Anne day he open and foule errour and as touchyng y<sup>e</sup> endentur' yat y<sup>e</sup> forsaid Thomas redd in ye pulpitt I cōmaunded hym noght nor charged hym to rede it y' and as to yat: y<sup>t</sup> I toke upon me to make open cōmaundement in mañ abovesayd to ye same frer' Thomas Richemond hym stondyng so in ye pulpitt charged to have made his forsaid revocācon I wote wele I schuld noght have done so I aske y'for lawli forgifness y'of of God and of my said lorde ye Archebisshop of York.

Et Quia p'fatus frat' Thomas Richemond voce submissa malo modo ac fraudulent' p'dcam suam revocacionem ut p'mittit' plegit ideo secunda revocāco ad unū s'monem p Mag'rum Joh'em Rexby sacre pagine pfessorem factū et ppoitum p eundem frēm Thoma Richemond alta & intelligilibi voce pu<sup>ce</sup> plecta sequit' et est talis.

Sirs it is wele knowne y<sup>t</sup> ye Wedynsday next be for Seynt Mathew day last passid y' was made a gen'all pcession in yis citee to ye priorie of ye Trinite and a s'mon ordand to be said yer In ye whilk s'mon I frer' Thomas Richemond was charged be ye autorite and bidyng of my lorde ye Archebisshop of York to agayn say certeyn errorrs ye whilk I confessed and knowlegid in ye last convocacion of ye clergi of York before ye



Bisshop of Duram ye Bisshop of Kart ye Abbot of Seynt Mari Abbay of York yt wer cõmissare of my lorde ye Archebisshop of York in y<sup>t</sup> convocacion y<sup>t</sup> I had untreuli p<sup>chid</sup> in yis citee on Seynt Anne day last passid and y<sup>r</sup>for in y<sup>s</sup> same convocacion I submit myself to ye correccion of my lorde ye Archebisshop of York and his worthi clergie. And aft' this tyme ye Archebisshop being at Cawod yider I come to hym and y<sup>r</sup> be for hym in open heryng of many men I submitt myself mekely to ye gracios correccion of his worthi faderhode beheming to fulfill ye penance y<sup>t</sup> he wold charge me with and in als mekill y<sup>t</sup> in y<sup>e</sup> day of y<sup>e</sup> p<sup>cession</sup> and s<sup>'mon</sup> be forsayd I fulfilled noght no did noght dwly ye charge y<sup>t</sup> was gifen to me wher'of I aske lawli forgifnes of God and halikirk and of my lorde ye Archebisshop of York. Y<sup>r</sup>for I am have as I was y<sup>t</sup> tyme cõmaunded and charged be y<sup>e</sup> auctorite and bidyng of my lorde ye Archebisshop to rehers at yis tyme in open s<sup>'mon</sup> ye maters and ye errours ye whilk yat I confessid and knowlegid yat I p<sup>chid</sup> on Seynt Anne day to yis intent yat yai y<sup>t</sup> have bene broght in erro<sup>r</sup> be my sayd p<sup>chyng</sup> wher'of I aske God forgifnes may be broght agayn oute of y<sup>r</sup> erro<sup>r</sup>. The first of ye forsayd conclusions and maters was yis, a prest beyng in dedely sy<sup>n</sup> is so preste. Ye secund, was yis y<sup>t</sup> a secular juge puttyng handes violentli upon a preste beyng in dedely sy<sup>n</sup> putt noght violent handes upon a preste Sir I knowlege y<sup>t</sup> yis two conclusions is open erreure and ye defens of yai heresy. For dedely sy<sup>n</sup> putte noght nor dos noght away ye state ordir or power off prestehode nor of none oy' y<sup>t</sup> beres office or state sp<sup>u</sup>all or tempall y<sup>t</sup> is to say dedeli syn dos noght away ye power of pope Archebisshop Bisshop preste Kyng Duke Erill Justice or Maire nor of none o' office nor to putt noght away obedience nor rev<sup>'ence</sup> y<sup>t</sup> is dwe to be done to ye ordir or to y<sup>e</sup> state os it was clerly and sufficiantly declared in y<sup>e</sup> scrowe yt was sent to me be y<sup>e</sup> auctorite and bidyng of my lorde y<sup>e</sup> Archebisshop of York openli to be red in ye day of p<sup>cession</sup> and in ye

s'mon at ye priorie off ye Trinite. The third mater and conclusion was yis to incense in ye olde lawe and to halowe ye sacrament of ye altare in ye new lawe fully and allonly contenes in hym ye office of p'sthode Sir I knowlege y<sup>t</sup> yis conclusion is open erro<sup>r</sup>. For many div'se sacrifice were ordand to be done in ye olde lawe and many oy' office rite cerimonis obs'vance and charges wer gifen to prestes and to dekyngs of ye olde lawe yan allonly to incense and in ye newe lawe was gifen be y<sup>e</sup> auctorite of Criste ministracion of mo sacramente yan allonly of ye blessid sacrament of ye altar. Ye fourt conclusion and mater was yis ye kirke noght punysshing nor noght willyng punysshche licher' pepill It is lefull to secular men to punysshche yai be p'sonment and to yis er yai bon be ye bande of Charite. Ye fift conclusion and mater was yis yat nowe both women and prestes dredis noght to forswere yai and halikirk agayn suspect psones of dedely syñ has no more to do yan make yai to forswere itt wher for it is lawfull to seculer jages to sett wayte and spy of suspect women and prestes and take yai and punysshche yai and be open stretes to lede yai and bryng yai to ye juge. Ye sext conclusion was yis yt a preste suspect of lichery taken be seculer men refusyng to go to p'sone may lawfully be constreyned to go y'to be betyng of seculer men w<sup>t</sup> outen violence done to p'sthode. Sirs I knowlege y<sup>t</sup> yies iii conclusions now laste rehersed er fals and open erro<sup>r</sup> as it es wele declared in ye forsayd scrowe for as spūall power and tempall power er div' powers and div' office so untr yai langes dive' mañ of punysshment. For some mañ of punysshment langes to the tempall men ye whilk langes noght to spūall men and some maner of punysshment langes to ye spūall men ye whilk langes noght to ye tempall men Emang ye whilk in spūall is ye punysshment of prestes and of oy' both men and women y<sup>t</sup> er defouled be ye fleshly syñ of lichery nor it is noght according to reson nor gude gov'nance nor to rest of ye pepill y<sup>t</sup> ye tempall power usurp or take upon yai ye

oyse of ye spūall power or iurisdiccion nor yt ye spūall power take upon yai yat langes to ye tempall ptie. Bvt it is resonable y<sup>t</sup> ather of yies pties stand content and payde w<sup>t</sup> y<sup>r</sup> owne iurisdiccion and holde yāi w<sup>t</sup> in y' boundes and passe noght y' power for els it is likly stryfe and discencion to be sett fro day to day betwix spūall power and tempall and forthermor' I say who so lays violent handes upon a preste in yis mañ of cas he forsayd falles into ye sentence of cursyng be ye lawe or halikirke putt in ye decre iv 9 e *si quis suadente diabolo*. Yies seu conclusions and maters rehersed befor as untrew doctrine or techyng and erroneous as I have openly knowlegid fulli I her' forsake and noght willyng gife any man caus or occasion of erreure requires yow of Goddes behalfe y<sup>t</sup> no man as for my p'chyng halde yāi her'after or defend yai for yai er verray errors agayns ye lawe of God and halikirk and ye sentence of docto's appved.

xc. Convocation, meeting on 7th August, 1428 (Langley's Register gives the date as 2nd August), voted the half of a tenth.

## LXII.

In this Convocation we learn from Langley's Register that "diverse and arduous matters" required a prorogation to the 28th July, 1429, when Convocation continued to grapple with heresy till 3rd February, 1430. The following extract from Langley's Register gives us some notion of the alarm existing, and of the care for orthodoxy prevailing in the assembly.

[Reg. Langley, Dunelm., f. 166 a].

. . . comparentibus de et super bono statu et felici regimine sanctae matris ecclesiae, domini nostri Regis, et regni, et aliis articulis quibuslibet qui ibidem proponi examinari tractari vel concludi contigerit. Et praesertim de modo et forma quibus praefato reverendissimo patri seu praesidentibus suis aliisque praelatis et clero dictae provinciae utilius et commodius provideri et disponi

videbitur pro promotione et defensione universalis ecclesiae et fidei Catholicae contra quorundam haereticorum modernorum insidias et inconsultus (*sic*) et quicquid per eosdem reverendissimum patrem seu praesidentes suos praelatos et clerum tractatum concordatum et conclusum fuerit in praemissis et eorum singulis ratificandum [et] eidem consentiendum et prout convenit dissentiendum et contradicendum.

(In manerio nostro de Auklande 3 die mensis Februarii A.D. 1429 (1430).

xcii. Convocation, sitting on 6th August, 1430, voted the King a tenth.

### LXIII.

xciii. Convocation, on 3rd October, 1432, voted only the fourth part of a tenth, and that with certain exceptions, in consequence of the devastation caused by floods.

LETTER OF ARCHBISHOP KEMPE, ADDRESSED TO KING HENRY VI (1432), ANNOUNCING THAT CONVOCATION HAS NEVERTHELESS VOTED A SMALL SUBSIDY.

Excellentissimo in Christo principi et Domino Domino Henrico d. g. Regi Angliae et Franciae et Domino Hiberniae, Johannes, permissione divina Ebor. Archiepiscopus Angliae primas et apostolicae sedis Legatus, salutem, in eo per quem Reges regnant et principes dominantur.

Cum nos nuper in nostro provinciali concilio personaliter constituti praelatos et clerum nostrae provinciae inibi congregatos ad concessionem subsidii vestrae serenitati faciendam allicere, et omni diligentia qua valebamus exhortari curaverimus post plures variosque tractatus per nos cum eisdem continuatis diebus super hoc habito iidem praelati et clerus licet propter notoriam eorum paupertatem causatam tum ex vastitate hostili tum ex aquarum inunditionibus excessivis quae nonnullis ejusdem provinciae ecclesiis tam secularibus quam

regularibus, illis praesertim quorum redditus proventus et possessiones vicinantur mari notabilem earundum possessionum et redditorum partem, quod lacrimabiliter ferunt, penitus absorbuerunt tum ex animalium et pecorum suorum peste generali, se oneri tali cuicumque subeundo impares sentiant et minus potentes nichilominus ex singularis fervore dilectionis quo feruntur ad regiae celsitudinis beneplacita sua supra vires exequenda, quartam partem decimae integrae vestrae majestati excellentissimae concesserunt, quam concessionem in scriptis redactam nobis porrexerunt sub forma quae sequitur verborum . . . [3 Oct., 1432].

#### LXIV.

The following brief, addressed by Archbishop Kempe to Thomas Langley, Bishop of Durham, is printed here, only to show with what difficulty the Papacy got together the Council finally styled the Council of Basle, which had for its aim to heal the gaping wound of the Great Schism.

Johannes permissione divina Ebor. Archiepiscopus Angliae primas et Apostolicae sedis Legatus . . . venerabili fratri nostro Domino Thomae Dei gratia Dunolmensi episcopo salutem et fraternam in Domino caritatem. Literis sanctissimi Domini nostri Eugenii Papae quarti de dato Romae apud sanctum Petrum A.D. 1432, 14<sup>o</sup> Kalendas Martii, pontificatus ejusdem sanctissimi Domini nostri Anno Secundo. Nos xv<sup>to</sup> die instantis mensis Aprilis recepisce noveritis [litteras] continentes quod cum idem sanctissimus Dominus noster certis ex causis rationabilibus concilium quod Basiliae esse dicebatur dissolvens, illud duxerit celebrandum in Civitate Bononiensi, multi de post ipsius intentionem licet sinceram et ad ecclesiae bonum spectantem varie interpretantes non ea mente qua id factum fuerat acceperunt, idcirco idem sanctissimus Dominus noster cupiens occasiones omnes et singulos tribulationis ecclesiae remove, nolensque quod ex tali loci mutatione dissentio quaevis aut



scandalum oriatur, concilium ipsum dissolutione permissa non obstante, in civitate Basiliae statuit celebrandum, prout per copiam aliarum suae sanctitatis literarum super hoc editarum nobis patenter exposuit. Quacirca nobis percipiendo mandavit quatenus infra tres menses a xvi<sup>to</sup> Kalendas Martii ultimo jam elapso numerandos ad dictum Concilium venire vel, subsistente impedimento, nuncios mittere curaremus. Quodque omnibus et singulis Episcopis et praelatis, exemptis et non exemptis, in nostra provincia constitutis qui ad Concilia generalia tenentur accedere, ut infra dictum terminum ad praefatum concilium personaliter convenirent auctoritate sua per nostras literas mandaremus: vestrae igitur fraternitati auctoritate literarum hujusmodi nobis commissa mandamus quatenus infra dictum trium mensium spatium ad praefatum Concilium personaliter veniatis, si causa legitima non obsistat. Alioquin procuratores sufficienter instructos vestro nomine illuc transmittere nullatenus omittatis.

Datum sub sigillo nostro apud Wy Cantuariensis dioeceseos xvi<sup>to</sup> die mensis Aprilis supradicto A.D. 1433, et nostrae translationis anno octavo.

## LXV.

A COMMISSION FROM BISHOP LANGLEY TO RAISE MONEY  
TO PAY THE PROCTORS OF THE ARCHDEACONRY OF  
DURHAM IN CONVOCATION.

<i>Commissio ad levandum expensas procuratorum Archidiaconatus Dunelm. ad Convocationem, etc.</i>	}	Thomas, etc., dilecto filio Officiario Archidiaconi nostri Dunelmensis salutem, etc. Ad nostrum nuper pervenit audi- tum quod praelati et curati aliqui beneficiati Archidia- conatus praedicti expensas procuratorum qui ad ultimam convocationem cleri provinciae Ebor. ex parte cleri nostri ejusdem Archidiaconatus fuerant transmissi contribuere, seu eidem procuratori de expensis suis debite satisfacere, hucusque non curarunt: Nos igitur
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attendantes justum fore et consonum aequitati negotia communia expensis debere communibus supportari, tibi tenore praesentium committimus et mandamus quatenus praelatos et curatos aliosque beneficiatos praedictos omnes et singulos ut de expensis procuratorum praedictorum in ultima convocatione praedicta factis, ut praefertur, secundum quantitatem taxarum beneficiorum suorum quorumcumque et ordinationem ipsius cleri nostri consuetam debite satisfaciant tam per sequestrationem fructuum beneficiorum hujusmodi quam per alias censuras ecclesiasticas canonice compellas. Ad quod faciendum tibi tenore praesentium committimus vices nostras cum cujuslibet coercicionis canonicae potestate. Datum sub sigillo nostro in Manerio nostro de Aukland primo die Aprilis A.D. &c. ut supra proxime. Et nostrae consecrationes xxvij<sup>mo</sup>. [1434].

xciv. A Convocation was summoned to sit at York on the 11th June, 1435.

A Convocatio, 11th June, 1436, voted a half-tenth.

There was a summons for Convocation for 21st April, 1438, but it does not appear whether they met or not.

Convocation, 17th August, 1440, voted a tenth. In the same Convocation a body of Constitutions was drawn up.

xcv. On the 4th October, 1442, Convocation voted the King a whole tenth, payable in three instalments, viz., at the Nativity of St. John Baptist (24th June) in 1443, 1444, and 1445.

Convocation was summoned for the 30th September, 1445, and again granted a whole tenth, payable in like manner in 1446, 1447, 1448.

## LXVI.

The "Clergie's Petition" is here printed, because it is an example of the joint action of the Southern and Northern Convocations. The statute of "Praemunire" (not to be confounded with the earlier "Praemunientes Clause") was enacted by Parliament in 1353. It declared, as the penalty for infringing it, outlawry and forfeiture;

that is, for all who after the passing of the enactment might still sue in foreign Courts in any matter cognizable by the King's Bench. This was "one of the strongest defensive measures taken in consequence of the conduct of the Pope, who had forbidden the bishops to execute the sentences of the royal Courts in suits connected with patronage." The prelates protested warmly against the Law of Provisors (1351) and continued in protest against like measures defending the kingly right against foreign intervention. The name of this statute is taken from the opening words of the Writ which charges the Sheriff to summon the delinquent to Court. A stronger statute, of similar tenure, was passed in 1393 by Parliament, in spite of incessant protests from the Churchmen. The Clergy in the North stubbornly maintained this temper, and showed an anti-national spirit; they treated the papal claims as the voice of God, and had little sympathy with the royal claim. We also see, later on, the same temper of mind in the Protest so fearlessly issued by Cuthbert Tunstall, Bishop of Durham. The document here given was drawn up by Archbishop Stafford in 1447, and was adopted also by the Northern Convocation.

#### THE CLERGIE'S PETITION CONCERNING THE STATUTE OF PRAEMUNIRE.

[Reg. Stafford, Cantuar., 24 a; and Wilkins, *Concilia*, III, 555].

Moost lowly beseken your devoute and humble chapelayns, the Archebisshopes of Caunterbury and of York, the Bisshopes and other prelates and al the clergie of your Reme of Englonde, that it lyke your excellence graciously to considre how that in the parlement halden at Wynchestre the 16 yere of the King of noble memorye, Richard the secunde, it was among other things compleyned of processe maad be the pope in cause of presentation [to] the churches, prebendis, and other benefices of holy Church, of the which causes, as it is reherced in the said statute, the conisaunce hath of auncien tyme belanged to Courte Rial; and semblably it was compleyned of processe maad be the pope,

jugements, and also sentences of cursing and censure of the Church, yeven and pronounced be him ayens Archebisshopes and bisshopes of this now your Reme of England ; forasmuch as in the said causes of presentation or right of patronage and other such that executed be [by] the King's commandement, the jugements yeven in the said Courte Rial ; the which processe so maad and sentences of cursing and censure so decreed and yeven, were thought gretely prejudicial to the King and to his Corone And, forasmuch as there ne was noo sufficaunt remedie thoo pourveied nor stablisshid, be the which the pursute, decreyng, making or pronouncing of such processes sentences or censures in the Court of Rome, and in other places without the Reme myght be refreynd or letted, considering that the King's prohibition, accustomed in such cases within the Reme, were not obeied, douted, nor dred withoute the lande, it was ordeyned be the King of th' assent of the lords spirituel and temporel, at the praier of the communitie assembled in the said parlement, in favour of the said Archebisshoppes and bisshoppes within the lande, and for restreynte of the said processes sentences and censures so maad, and yeven withoute the lande, that noe man sholde purchase nor pursue nor make to be purchased or pursued in the said Court of Rome or other places, any such processe, sentences of cursyng, instruments, bull, or any other things what someever they be, touching the King, his Regalie, or his Reme of Englande, in the wise aforesaid. The which words, that is to saye, ony such processe, sentences of cursing, and also the wordes in the wise aforesaid, owen to be nooted, forasmuch as afore in the suggestion was it not spoken but of processes, sentences of cursing, and censures maad and yeven be the pope, and of Englande, and may not therefor resonably be extended ferther, namly considering the wordes of the penall resone, that folwith next thereupon, that be these : that who so ever bring one of the said processes, sentences, instruments, and bulls, into the Reme of Englande,

receyveth hem or makith notification, or doth any maner of execution of hem within the Reme or withoute, shal be putt oute of the Kings protection, forsaide al his landes, tenementes, goodes and catell, and be attached be his persone, and he be founde within the Reme, and processe maad ayens hym be "Praemunire facias," lyk to the maner thereof contiened in the statutes of Provisoires: And now it be that it appieres evidently be the things aforesaid, that the said Statute hath of it self noo place but in sutes, processes, sentences of cursing, and censures, maad and yeven of the lande; for in letting and restreynt of any such processe or thinges that might be done within the lande, there was sufficaunt remedie, and provision had afore. Nevertheless now of late tyme some men have entendid and peyned hem to make to straunge and to bitter interpretation of the said statutes such as, if it shulde be suffred and have place, should turne to intollerable hurt and prejudice of the said prelates and of spirituel juges in the lande, in to whos favour the saide Statute was first maad and ordeyned. And not oonly it shulde turne to such hurt and daungier of hem, but generally of al tho that purchase or pursue within the Reme of Englonde any thinges what some ever thay be, touching the King, ayens the King his Regalie, or his Reme of England. The whiche interpretation and understanding were to perilous and to unresonable; for hit most of reson be trowed and thought that in the making of the saide Statute thentente of the makers was to ordeyne mesure and proportion the peyne contiened therein, lyke to the offence and trespasse, and may not resonably be supposed that the prelates of the Church that were in the said parlement, or other of the Kinges lieges, wold have involved himself in every caas that might be comprehended in the said bitter interpretation in so grete and so grevous apeyne, namly, where as it is abovesaid sufficaunt remedie was afore pourveied, in al such cases that might falle within the Reme, and semblably some that rejoyse hem in vexation



trouble or dawnegeryng and undoyng, namly, of persones of the Church, make such interpretation as theym list, over and otherwise thenne the wordes soun of a Statute maad in the secunde yere of the Reygne of the King of noble memorie Henry IV, youre Aile ; in the which Statute be contened the wordes that folwe, that is to say, That if ony provision be maad to ony persone of Religion, or to any other persone, of exemption of obedience Regulier, or of obedience ordinarie, that the provisour that accepteth or enjoyeth ony such provision, shall reune into the peyne comprised in a Statute of Provisours maad the xiiij yere of the said King Richarde ; the which words be thair wilful interpretation they pretende to extende to thoo that purchase licence of nonn Residence of the pope, be it to goo to scole, or to any other resonable entente, or that gete him ony quinquenal\* or other confessional, or ony other lyke dispensation of the pope, pretending it an exemption fro the ordinarie, whereas no lawe written calleth it so. And so, where such statutes as be penall owe not of reason nor of lawe written to be rigorously understande ne extende over the playnes of the termes, but rather to be pittially understande in favour of mannes ignorance and freelte, the contrarye thereof is uncharitably extended in the wise aforesaid ; for so much the said Archebisshopes, bisshopes, prelates, and clergie beseken youre excellence, that the things abovesaid graciously considered, it lyke ynto your highnesse, at the Reverence of God, and in releve of the Church, of the which the protection and defence be the lawe of God belangith unto your highnesse to declare and make to be declared be auctorite of this your present parlement, that the said Statute maad at Wynchestre the xvi yere of King Richard aforesaid and the peynes and punyshments contened in the same, have relation oonly to sutes, processes, sentences of cursyng, bulls, and instruments maad or pursued or to be maad or pursued in the Court of Rome, or in ony

\* A quinquenal was an office held for five years.

other place withoute the Reme of Englande ayens the King, his Regalie, or his Reme of Englonde, and semblably to declare be auctorite abovesaid that the said Statute maad in the secunde yere of King Henry IV your Aile, and the peynes thereof reche oonly the payne that purchase any exemption in forme of exemption, according to the text of the suggestion, and also to the text of the conclusion of the said Statute, and not suffre such penal Statutes to be extended be such interpretation to the hurt of your subjects spirituel and temporel, as God ne resone wol that they shold.

## LXVII.

On February 5th, 1452, Archbishop Kempe issued a licence to University College, Oxford, granting the College power to send a proctor to appear in Convocation for five years, on account of their appropriation of the benefice of Arncliffe. This is Arncliffe in Craven, Yorkshire, a village in the Wharfedale. It continued in their possession till a very few years ago, when it was sold by University College to the present Vicar. The College still holds the great tithes there and is Rector of the parish. The permission of Archbishop Kempe is printed here, because it shows that so late as the middle of the fifteenth century considerable latitude existed as to the persons qualified to sit in the Northern Convocation ; as we also see by the document which states that the Prior of Finchale, as Rector of Giggleswick, had a seat, and did appoint a Proctor to serve in Convocation on his behalf.

[Reg. Kempe, Ebor., f. 75 b].

Item, quinto die mensis Februarii Anno Domini supradicto (A.D. 1451-2), Dominus in hospitio suo propter Westmonasterium concessit Custodi et sociis Collegii Universitatis in Oxonia licentiam comparendi in sinodis et cleri convocationibus infra provinciam Eboracensem auctoritate domini celebrandis per procuratorem per eos sufficienter constitutum sive constituendum, ratione ecclesiae parochialis de Arncliffe, Eboracensis dioecescos eis et collegio suo praedictis appropriatae ac dimittendum

fructus redditus et proventus ejusdem ecclesiae ad firmam alicui viro ecclesiastico seu alteri idoneo. Et hujusmodi literas ad quinquennium duraturas.

It is difficult to say what is the force of the last phrase. Did it mean that this was a temporary grant, a special privilege given to University College for five years? Or was it, like a lease, renewable after a term? Or did it refer to the shorter life of Convocations? Or that the Archbishop did not wish to commit his successors?

xcvi. There was a Convocation held at York on the 4th October, 1452, at which services and processions were ordered by reason of the pestilence then raging.

xcvii. A Royal Writ was issued, dated 6th March, 1452; there is no record of any action taken by the Convocation at this time. Convocation, while sitting, was broken into by the translation of Archbishop Kempe to Canterbury in 1452. In October his successor, William Booth, gave a commission to Robert Neville, Bishop of Durham, and to the Abbot of St. Mary's, York, to preside in this Convocation. It continued to sit till the 29th January, 1453, and voted the King a tenth.

xcviii. A Synod for the Diocese of York held on the Friday after "our Michaelmas Synod" voted an aid on the 5th October, 1453, "*secundum novam taxam vel antiquam, ubi nova taxa non habetur, taxatum.*" This entry in the Register is labelled in the margin "*Subsidium gratuitum concessum Archiepiscopo Eborum per praelatos et clerum suae dioeceseos.*"—Reg. Booth, Ebor., f. 330 b.

xcix. A Convocation, summoned for 30th April, 1460, sat, with many prorogations, till 23rd March, 1461, and then voted the King a tenth.

c. A Convocation sat on 1st September, 1462, and granted the King, Edward IV, the half of a tenth, with many exceptions. The York Convocation granted the King a tenth, and in the same year also a half-tenth, on 2nd November, 1462, and in consequence of this grant, the King conceded entire exemption from all criminal jurisdiction, the right to decide who was and who was not a cleric, and also to judge in all tithe suits.

ci. A Convocation on 8th August, 1463, granted the King a whole tenth as a subsidy, under conditions.

## LXVIII.

The following document is headed "Concilium Provinciale Eboracense infra ecclesiam metropolitanam Eboracensem die 26<sup>o</sup> mensis Aprilis A.D. 1466, celebratum; in quo Constitutiones sequentes a Georgio Nevill, Archiepiscopo Ebor. editae [sunt]." Convocation was, in those days, not unfrequently called a "Concilium provinciale." See below, 1489.

Wilkins, in giving this series of Church enactments in his *Concilia*, III, 599, states in a note that this "Concilium provinciale" was summoned for various reasons and causes dealing with the state and the liberties of the Church; and that it sat without a Royal Writ. So that it was, strictly speaking, a Synod, and not one of the usual Convocations.

This MS. is in the British Museum (MSS. Cotton, Vitellius, A. ii, f. 160), and shows clear marks of the disastrous fire—one edge of it is almost obliterated. Words marked \* \* have been supplied.

[Brit. Mus., MSS. Cotton, Vitellius, A. ii, f. 160].

Georgius [Neville] permissione divina archiepiscopus Eboracensis, Angliae primas, et apostolicae sedis Legatus, universis et singulis abbatibus, prioribus, ministris, rectoribus, \*vicariis\* et aliis ecclesiarum praelatis ac \*quibuscunque\* clericis et laicis nostrarum Eboracensis dioeceseos et provinciae Salutem in Domino sempiternam. Etsi nonnullae constitutiones \*perquam utiles\* a praedecessoribus nostris Ebor. Archiepiscopis in synodis provincialibus per ipsos celebratis, ad conservationem ecclesiasticae libertatis, fidei \*quoque munimen\* editae fuerint et etiam legitime promulgatae; antiquus tamen hostis admodum invidens \*saluti fidelium,\* idemque semper suggerens mala, ac, quoad (?) potest, nova priscis† adjiciens, quo plurimos secum ad tartara trahit, miris indies singulos artibus laborare non desinit, ut orthodoxam fidem avertat, quietem \*perturbet\* morta-

† In MS. "prissis."

lium, libertatemque ecclesiasticam labefactet. Nos igitur tam hujusmodi moliminibus insidiisque diaboli, quam maleficiis hominum obstare atque obviare volentes; ad munimen fidei et augmentum ejusdem reformationemque morum, ac defensionem ecclesiasticæ libertatis, de consensu et assensu suffraganeorum nostrorum, ac praelatorum et cleri nostrae provinciae, has constitutiones fieri fecimus, quas promulgamus, ac aliis prius editis superaddimus et inter alia statuta provincialia scribi et incorporari, ac ab omnibus subditis nostrae Ebor. provinciae firmiter volumus observari.

Ignorantia sacerdotum plurimum praecipitat in foveam erroris, et clericorum stultitia vel ruditas, qui diffinitione canonica filios fidelium instruere jubentur, magis aliquando ad errorem proficit quam doctrinam. Quidam enim caeteris praedicantes non semper loca visitant, quae magis constant veritatis lumine indigere, testante propheta, "Quia parvuli petierunt panem, et non erat, qui frangeret," et alio clamante "Quia egeni et pauperes quaerunt aquas, lingua eorum siti aruit"; in quorum remedium discriminum statuendo precipimus, ut quilibet sacerdos plebi praesidens quater in anno, hoc est, semel in quolibet quarterio anni, die una solemniter vel pluribus, per se vel per alium exponat populo vulgaritur, absque cujuslibet subtilitatis textura fantastica, quatuordecim fidei articulos; decem mandata decalogi; duo praecepta evangelii, scilicet geminae charitatis; septem opera misericordiae; septem peccata capitalia cum sua progenie; septem virtutes principales; ac septem gratiae sacramenta. Et ne quis a praedictis per ignorantiam se excuset, quae, cum omnes ministri ecclesiae scire tenentur, ea perstringimus summaria brevitate. Sciendum est igitur septem fidei articulos pertinentes ad mysterium Trinitatis; quorum quatuor pertinent ad divinitatis intrinsecam, tres vero ad effectus. Primus est unitas divinae essentiae in trium personarum indivisibili Trinitate, juxta illud "Credo in unum Deum." Secundus est, credere Patrem ingenuitum esse Deum. Tertius est,



credere Filium unigenitum esse Deum. Quartus est, credere Spiritum Sanctum nec genitum [nec] ingenitum esse Deum, sed a Patre et Filio pariter procedentem. Quintus est, creatio caeli et terrae, hoc est omnis visibilis et invisibilis creaturae a tota indivisibili Trinitate. Sextus est, sanctificatio ecclesiae per Spiritum Sanctum, et gratiae sacramenta, et caetera omnia, in quibus communicat ecclesia Christiana; in quo intelligitur, quod ecclesia cum suis sacramentis et legibus per Spiritum Sanctum omni homini, quantumcunque peccatori, sufficit ad salutem; et quod extra ecclesiam non est salus. Septimus est, consummatio ecclesiae per gloriam aeternam in anima et corpore veraciter suscitanda; et per oppositum intelligitur aeterna damnatio reproborum.

Item alii septem articuli pertinent ad Christi humanitatem. Primus est, incarnatio seu vera carnis assumptio ex sola per Spiritum Sanctum virgine gloriosa. Secundus est, veri incarnati Dei nativitas ex virgine incorrupta. Tertius est, veri Christi Dei passio et mors in cruce sub tyranno Pilato. Quartus est, descensio Christi Dei ad inferos in anima, quiescente corpore in sepulchro, ad spoliationem tartari. Quintus est, vera Christi resurrectio. Sextus est, vera ipsius ad caelum ascensio. Septimus est, ipsius venturi ad iudicium certissima expectatio. Item decem mandatorum Veteris Testamenti, tria ordinantur ad Deum quae dicuntur mandata primae tabulae; Septem vero ad proximum, quae dicuntur secundae tabulae mandata. In primo prohibetur omnis ydolatria, cum dicitur, "Non habebis Deos alienos coram me"; in quo implicite prohibentur omnia sortilegia et omnes incantationes, cum superstitionibus characterum huiusmodi figmentorum. In secundo, cum dicitur, "Non assumes nomen Dei in vanum," prohibetur principaliter haeresis universa et secundarie omnis blasphemia, et irreverens Dei nominatio; praecipue in perjurio. In tertio mandato, cum dicitur, "Memento ut Sabbatum Sanctifies," praecepitur cultus religionis Christianae, ad quem indifferenter clerici et

laici obligantur ; ubi sciendum, quod obligatio ad ferian-  
dum in sabbato legali, secundum formam Veteris Testa-  
menti, exspiravit omnino cum caeteris in lege ceremoniis ;  
et sufficit in Novo Testamento modus vacandi cultui  
divino diebus dominicis et caeteris diebus solemnibus,  
ad hoc auctoritate ecclesiae deputatis ; quibus diebus  
modus vacandi non est sumendus a superstitione judaica,  
sed a canone institutus. Primum secundae tabulae  
mandatum est, patrem et matrem explicite temporaliter  
et spiritualiter honorare ; implicite autem et secundarie  
omnis homo pro sui gradus merito, ex eodem mandato  
intelligitur honorandus ; in hoc autem mandato intelli-  
guntur non solum pater et mater carnaliter, verum etiam  
spiritualiter ut pater sit praelatus ecclesiae mediatum vel  
immediatum ; mater autem ecclesia cujus sunt filii  
Catholici universi. Secundum est, “ Non occides ” in  
quo explicite inhibetur omnis illicita alicujus personae  
interemptio consensu, verbo, opere, vel favore ; implicite  
vero omnis injusta personae laesio inhibetur ; spiritualiter  
etiam occidunt, qui non reficiunt indigentes ; similiter  
occidunt, qui detrahunt vel qui innocentes opprimunt et  
confundunt. Tertium mandatum est “ Non moecha-  
beris ” ; in quo explicite inhibetur adulterium ; implicite  
vero fornicatio, quia explicite inhibetur in Deuteronomio  
xxiii<sup>o</sup> capitulo ; ubi dicitur, “ Non erit meretrix de  
filiabus (*sic*) Israel neque scortator de filiis Israelis.”  
Inhibetur etiam in eodem mandato omnis conjunctio viri  
et mulieris quam bona matrimonii non excusent : omnis  
etiam voluntaria pollutio quocunque modo aliter studiose  
et voluntarie procurata. Quartum mandatum est, “ Non  
facies furtum ” in quo explicite prohibetur clandestina  
contrectatio rei alienae, domino invito ; implicite vero  
omnis injuriosa, seu per fraudem, seu per usuram, seu  
per violentiam, seu per metum, rei usurpatio alienae,  
Quintum mandatum est, “ Non loquaris contra proximum  
tuum falsum testimonium ” ; in quo explicite prohibetur  
falsa testificatio \**ad indignum contra merita* promovendum.

\* MS. “ contra indignum ad merita.”

In hoc etiam mandato omne mendacium, praecipue perniciosum condemnatur. Sextum mandatum est, “ Non concupisces domum proximi tui ” ; supple, cum ejus injuria. In quo mandato explicite inhibetur cupiditas possessionis immobilis catholici praecipue cujuscunque. Septimum mandatum est, “ Non desiderabis uxorem proximi tui, nec ejus servum, nec ancillam, nec bovem, nec asinum, nec omnia, quae illius sunt ” ; in quibus omnis cupiditas possessionis alienae, quantum ad res mobiles, condemnatur. His autem mandatis duo superaddidit evangelium ; scilicet dilectionem Dei, et proximi : Deum diligit, qui praedicta mandata ex amore, non ex timore principaliter custodit ; proximum autem debet quilibet diligere sicut semetipsum ; ubi haec conjunctio “ sicut ” non dicit aequalitatem, sed confirmatam, ut videlicet diligas proximum tuum ad quod teipsum, hoc est, ad bonum, non ad malum ; et quomodo teipsum hoc est, spiritualiter non carnaliter, secundum quod carnaliter vitium dicitur. Item quantum teipsum, hoc est, in prosperitate et adversitate, sanitate et infirmitate ; item quantum teipsum respectu temporalium pro tanto ut plus diligas proximi tui animam, seu animae salutem aeternam, quam tuam vitam propriam temporalem, sicut animae tuae vitam debes praeponere vitae carnis tuae ; item qualiter teipsum, ut videlicet omni homini in necessitate subvenias, sicut tibi velles in necessitate subveniri ; et haec omnia intelliguntur cum dicitur, “ Deliges (*sic*) proximum tuum sicut teipsum.”

Sex autem opera misericordiae ex Matthaei evangelio patiscunt ; quae sunt, “ Pascere famelicum ; potare sitibundum ; hospitio percipere peregrinum ; vestire nudum ; visitare infirmum ; consolari carceri mancipatum ” ; septimum vero ex Tobia colligitur, quod est “ Sepelire corpora mortuorum.” Septem sunt peccata capitalia ; videlicet superbia, invidia, ira, accidia, avaritia, gula, et luxuria ; et est superbia amor propriae excellentiae, de qua oriuntur jactantia, ostentatio, hypocrisis, schismata, et similia. Invidia est felicitatis

alienae hodium (*sic*), de qua oriuntur detractio, murmuratio, dissensio, perversa judicia, et similia. Ira est appetitus vindictae et nocumenti alieni quae cum perseverat in corde, fit odium; de qua oriuntur persecutiones verborum, et factorum plagae, homicidia, et similia. Accidia est tedium boni spiritualis, ex quo homo nec in Deo, nec in divinis laudibus delectat; ex qua sequuntur ignavia, pusillanimitas, desperatio, et similia. Avaritia est immoderatus amor mobilium vel immobilium affluentiae, vel illicite acquirendo, vel illicite detenendo; ex qua oriuntur fraus, furtum, sortilegia, sacrilegia, simonia, et omne turpe lucrum. Gula est immoderatus amor delectationis secundum gustum in sibo (*sic*) et potu; in qua quintupliciter peccatur, scilicet in tempore, quando comeditur nimis mane, aut nimis tarde, vel nimis assidue; in qualitate, cum quaeruntur sibaria (*sic*) delicata; item in quantitate quando nimis comeditur vel bibitur quod est vilissimum genus gulae, et est nimium in sibo et potu, quando corpus aggravat, vel quando impedit sensum interiorem aut exteriorem, seu quando laedit corporis sanitatem; item aviditate, seu voracitate; et ultimo in curiosa et exquisita alimentorum praeparatione et gulae delicias excitandum; quae quinque continentur in hoc versu: "Praepropere, laute, nimis, ardentem, studiose"; luxuriam vero non oportet notificare, cujus infamia aevum inficit universum.

Septem vero virtutes principales sunt, fides, spes, et caritas, quae ad Deum pertinent, et idcirco theologicae appellantur; prudentia, justitia, temperantia, et fortitudo, per quas ad seipsum et proximum homo ordinatur; et est actus prudentiae bonum eligere; actus justitiae recte facere; actus temperantiae non obedire deliciis; actus fortitudinis non dimittere bonum agendum pro angustiis vel molestiis quibuscunque; et dicuntur hae quatuor virtutes cardinales, hoc est principales quia istis quatuor plures aliae sunt subjectae, de quibus quia pro simplicibus laboramus, ad praesens amplius nec tractamus. Septem sunt gratiae sacramenta, quorum dispensatores ecclesiae

sunt praelati, quorum quinque ab omnibus debent recipi Christianis; ut pote baptismus, confirmatio, poenitentia, eucharistia, suo tempore extrema unctio, quae tantum illis dari debet qui gravis infirmitatis indiciis videntur mortis appropinquare periculis, quibus omnino, [quantum] fieri potest, detur, dum sint compotes mentis et rationis. Et si contingat eis phrenesi, vel quacunque alienatione mentis laborare, si ante alienationem erant de sua salute solliciti, consulimus nihilominus [ut] eis hoc sacramentum fiducialiter ministretur: credimus enim et experimento didicimus quantumcunque phrenetico si tamen sit praedestinationis filius, ipsius susceptionem vel ad habendum dilucidum intervallum vel saltem ad spirituale gaudium sive commodum, ut pote ad augmentum gratiae profuturam.

Sunt etiam alia duo Sacramenta, ordo et matrimonium, quorum primum perfectis convenit, secundum vero Novi Testamenti tempore solum convenit imperfectis, tamen per ipsum ex vi sacramenti credimus largiri gratiam si sincero animo contrahatur. Quanquam exsolventibus bene decimas Deus frugum omnium abundantiam et possessionum ubertatem tribuit; tamen dolenter referimus, quod nonnulli nostrae provinciae, contra Testamenti veteris atque Novi doctrinam de sylvis suis caeduis, et lignis arborum caeduarum excisis in eis, circa quae minus quam circa fructus agrorum labores impendunt, decimas Deo et ecclesiis, quibus debentur, notoriae per hoc, quod ipsas in praeterito non dederunt, solvere contradicunt, quod aestimant idcirco licere, quod legem moris de longa invaluisse consuetudine arbitrantur, in dubium etiam revocantes, quae sylva caedua sit dicenda: Nos igitur advertentes, quod si sua portione sit ecclesia defraudata, diuturnum crimen propterea non minuitur, sed augetur, ac fames et penuria omnisque rerum egestas opprimunt bene decimas non solventes hujusmodi; declaramus provisione concilii sylvam caedua illam fore, quae cujuscunque existens generis arbor in hoc habeatur ut caedatur, aut est habilis ad



caedendum ; quae etiam succisa rursus ex stipitibus aut radicibus renascatur, ac ex ea decimam partem, ut pote realem et praedialem, baptismalibus seu matricibus\* ecclesiis persolvendam ; necnon silvarum possessores hujusmodi ad praestationem decimarum ipsorum lignorum excisorum in eis sicut foeni et bladorum, omni censura ecclesiastica fore canonice compellendos. Cordis dolore concutimur, intuentes in nostra provincia, [quod] malitia excrescente, pessima corruptela noviter inolevit, dum ecclesiarum praelati et beneficiati ecclesiastici atque nonnulli laici, mortis vicinae conjecturam verisimilem obtinentes, universa bona sua, seu quotam eorum partem tam notabilem donari inter vivos, seu aliter alienare praesumunt ; quod nedum ecclesiae, ad quarum domos, aedificia, et cancellos reparanda, dum vivebant, fuerant obligati, suis excluduntur remediis ; sed Rex et alii, quibus sic alienantes efficaciter tenebantur, suis juribus, uxoresque et liberi conjugatorum suis portionibus, de consuetudine vel de jure ipsis debitis, irrecuperabiliter defraudantur. Quidam etiam doliminium experti languentibus in extremis hujusmodi alienationes facere consulerunt, [et] temere procurarunt, ipsosque languentes consiliis et suasionibus perversis a voluntate testandi nequiter perverterunt ; ex quibus impedire testamenti liberam factionem, ac ecclesias et caeteros supradictos suo jure non ambigitur malitiose privare. Unde praesentis deliberatione consilii omnes et singulos in nostra provincia donantes seu alienantes taliter bona sua, malitia sive fraude, ac hujusmodi malitiae sive fraudis conscios, sic recipientes sic alienata in eos, et ad hoc dantes consilium, auxilium, vel favorem, majoris excommunicationis sententiam incurrere volumus ipso facto ; donantes et sua bona in ipsa provincia taliter alienantes, propter sui gravitatem excessus, nisi prius poenituerint, et dictam donationem effectualiter, quantum in eis fuerit, revocerint, ecclesiastica careant sepultura. Caeterum ne probationis fraudis vel malitiae in hac parte difficultas

\* " Juvibus " in MS.

hanc provisionem praesentem reddat inutilem ; statuimus, quod quotiescunque aliquis dictae provinciae bona sua omnia, sic ut praefatur, donaverit, aut alias quovis titulo alienaverit, seu in quantitate tam notabili, quod appareat de residuo ecclesiis vel creditoribus aliis de suis debitis, uxoribus et liberis de suis portionibus supradictis non posse satisfieri, sicut decet ; alienatio hujusmodi per malitiam sive fraudem eo ipso fieri censeatur, malitiae sive fraudis probatione ulteriori minime requisita. Accidit novitate perversa, quod cum ecclesiarum praelati de morum disciplina peccatis et excessibus subditorum nituntur inquirere, magnates et potestates aliae seculares, officia impedire molientes eorum, inhihent laicis ipsorum tenentibus aut nativis, ne ad ordinariorum citationes pro suorum criminum vel excessuum correctionibus canonice subeundis, quorum correctio et punitio ad ipsos ordinarios noscitur pertinere de consuetudine vel de jure, aut pro testamentorum probationibus, approbationibus, insinuationibus, aut calculis de bonis defunctorum administratis per eos, seu compotis, et aliis testamentariis juribus extra locum domicilii veniant, et compareant coram eis ; et ne in locis sui domini per praelatos exerceantur praemissa, impediunt vel procurant et faciunt nequiter impediri, sibi quoque super his jurisdictionem usurpant ; alii praeterea viros ecclesiasticos jurisdictionem ecclesiasticam exercentes, et suis subditis, pro eorum culpis et excessibus poenitentias corporales seu pecuniarias imponentes, ac ipsos facere cogentes easdem, sicut ipsis ordinariis licet, aut pro poenitentiis corporalibus juxta modum excessuum suorum impositis, redemptiones pecuniarias, prout juste poterunt, admittentes, de et super extortionibus excessivis judicant sicque judicantes attachiant et incarcerant, ac super his in foro seculari eos sibi respondere compellunt quibus mulctas pecuniarias ea occasione in foro praedicto seculari imponi procurant, et faciunt indebite pro libito voluntatis. Frequenter etiam multi cum terminis (?) et strepitu ad judicia concurrunt ecclesiastica, ac judices litigantes, seu habentes ibidem

alia expedire, graviter sic exterrere, quod ecclesiastica confunditur jurisdictio, et opprobriose officium praelatorum suspenditur, et nequiter impeditur, ac in culpam de facili homines currunt, dum poena non reprimat transgressores, impunitatem sibi poenalem nutriunt, et antiqui hostis insidiis levem aditum praeparent et frequentem; alii si quidem multos pro eo, quod causas et negotia in foro ecclesiastico de jure vel consuetudine pertractanda ibidem contra adversarios suos movent; necnon advocatos postulantes pro eis, et procuratores, aliosque ministros et ecclesiasticos judices cognoscentes, super his judicari, attachiari, coerceri, quoque mancipari, et alios in foro seculari multipliciter faciunt fatigari, et procurant, suisque tenentibus et aliis ad forum ecclesiasticum pro causis seu negotiis in ipso de consuetudine vel de jure tractandis recurrentibus, si non desistant, et in foro seculari super hiis litigent, imponunt saepissime graves multas, ipsosque affligunt et vexant injuste multimodis laboribus et expensis. Alii vero episcopos, archidiaconos, et officiales eorum, ac alios ordinarios judices jurisdictionem in civitatibus seu locis aliis eis subjectis debite exercere volentes, de et super his, quae spectant notorie ad eosdem, seu pro exercitio jurisdictionis ecclesiasticae, mandata sua licita et canonica destinantes, executionesque eorum debite faciendas impediunt, vel impediri procurant injuste, ac nuncios mandata hujusmodi deferentes et facere debite justas executiones volentes, capere, verberare, [et] male tractare injuriose praesumunt. Quidam etiam domini temporales et eorum ballivi bona decedentium ab intestato in suis districtibus ad ipsos dominos praetendentes fore, quamvis erroneo, devoluta, ne per ordinarios bona hujusmodi pro debitorum solutione sic decedentium ac etiam in alios pios usus pro ipsorum animarum salute convertantur utiliter, prout consensu regio et magnatum regni Angliae, tanquam pro jure ecclesiasticaque libertate ab olim existit ordinatum, impediunt in derogationem ecclesiasticae libertatis, jurisque [et] jurisdictionis ecclesiasticorum impedimentum

et laesionem enormem. Nos autem praesentis deliberatione concilii omnes et singulos in praemissis vel eorum aliquibus delinquentes seu praemissa vel eorum aliqua in suis facta negotiis seu nominibus eorum rata vel accepta habentes, hoc sacro approbante concilio, pronunciamus majoris excommunicationis sententia innodari, quorum absolutionem dioecesanis locorum episcopis, vel jurisdictionem episcopalem habentibus specialiter reservamus, et delinquentes hujusmodi quater annis singulis, in cunctis ecclesiis parochialibus nostrae Eboracensis provinciae excommunicatos, in genere praecipimus publice pronunciari.

Dierum invalescens malitia, qua mundus in deteriora jugiter labitur, hominum mentes in apertam facit nequitiam prosilire; unde nostrae provinciae Eboracensis nonnulli aliis malignari conantes, brevia regia de computo sive transgressione, vel alia contra illos, quibus nocere desiderant, ad extraneos comitatus, in quibus sui adversarii nunquam fuerunt, nec contraxerunt vel deliquerunt ibidem, bonave administrarunt inibi cujuscunque, fraudulenter et malitiose impetrare praesumunt; et adeo contra eos ignorantes clam prosequuntur in illis, quod utlagantur, vel foris banniantur a regno; unde cum processus et sententiae contra ignorantes et taliter indefensos habiti a jure merito reprobentur, nec sit malitiis hominum indulgendum; statuimus, ut quicumque clerici vel laici in nostra provincia talia surreptitie, fraudulenter, vel malitiose de caetero, ut praemittitur, impetrantes et prosequentes, facientes, procurantes, seu ad ea impendentes, scienter consensum, auxilium, consilium, vel favorem, aut ea rata habentes nomine suo facta, majoris excommunicationis incurrant sententiam ipso facto.

Licet ex statutis concilii generalis et Clementis papae prohibitum sit expresse, ne quaestores aliqui, nisi apostolicas vel dioecesani literas exhibuerint, quomodo libet admittantur vel permittantur aliud aut populo

praedicare vel exponere, quam quod in literis continetur supradictis, literis apostolicis per dioecesanum prius diligenter examinatis; quidam tamen quaestores hujusmodi, non sine magna temeritatis audacia, et deceptione multiplici animarum, indulgentias populo motu suo concesserunt, super votis dispensarunt, a perjuriis homicidiis et peccatis aliis absolverunt, male ablata incerta data sibi pecuniae quantitate remiserunt, tertiam aut quartam partem de poenitentiis injunctis relaxarunt; animas tres vel plures parentum vel amicorum illorum, qui eleemosynas eis contulerint, de purgatorio, ut asseruerunt, mendaciter extrahebant, et ad gaudia paradisi perducebant; benefactoribus locorum, quorum quaestores extiterunt, remissionem plenariam peccatorum indulserunt; et, ut eorum utamur verbis, a poena et culpa absolverunt;—quo[circa] Clemens papa praedictus in concilio Viennensi hujusmodi abusus de caetero attemptari omnino inhibuit, ac omnia privilegia, si quae super praemissis, vel eorum aliquo fuerint, aliquibus locis, ordinibus, vel personis quaestorum hujusmodi quomodo-cunque concessa, auctoritate apostolica penitus revocavit; volens quaestores si qui in praemissis, vel aliquo praemissorum deliquerunt, seu alias etiam cum suis quibuscunque privilegiis abusi fuerint, per locorum episcopos debite puniri, nullo eis in hac parte privilegio suffragante: quaestores tamen praedicti his diebus avaritiae veneno inebriati, ut aurum et argentum subtili et tallaci ingenio extorqueant, aliqua de abusionibus praedictis, et alias majores vel consimiles attemptare praesumunt, ut puta excommunicatos a iudicibus ecclesiasticis absolvunt, et poenitentiam publicam et solemnem per locorum ordinarios pro publicis excessibus inflictam remittunt, seu saltem diebus, quibus ipsos ad ecclesias, causa poenitentiae perimplendae, venire contigerit, differre, et mortem (?) sibi conscienter in coemeteriis sepelire praesumunt, aliaque nonnulla enormia committere non verentur, per quae censura ecclesiastica vilesceat, et clavium ecclesiae auctoritas deducitur in contemptum. Nos ergo hujusmodi abusus



plenius abolere volentes, volumus et praecipimus in nostris dioecesi et provincia st[atuta conciliorum praedictorum firm]\*iter observari, ac cum literae hujusmodi apostolicae per dioecesanum examinatae fuerint, schedulam de indulgentiis hujusmodi conscribi, et literis suis annecti; nihilque per quaestores proponi et praedicari, nisi quod in schedula praedicta continetur. Quod si quaestores aliqui aliqua de abusionibus praedictis de caetero attemptare praesumpserint, seu praesenti nostrae constitutioni in aliqua sui parte contravenerint, ab officio praedicto penitus expellantur, et ad dictum officium de caetero nullatenus admittantur. Si quis vero rector vel vicarius, capellanus vel curatus, aliquem de quaestoribus hujusmodi contra formam conciliorum in ecclesia sive capella sua admiserint (*sic*), poenam xli<sup>ta</sup> solidorum legalis monetae Angliae fabricae ecclesiae metropoliticae Eboracensis applicandorum solvere teneatur; per hanc tamen constitutionem his, qui jurisdictionem episcopalem habent, nolumus in aliquo praejudicium generari. Cum inter nonnullos parochianos nostrae dioeceseos talis inolevit protervitas, quod si ad fabricam matricis ecclesiae suae parochialis conferre nolunt, arbitrantes se ab omnibus hujusmodi excusari posse, pro eo quod ad fabricam capellarum infra parochias suas sitarum contribuunt, nos attendentes, quod parochiani praedicti ad contribuendum matrici suae ecclesiae prius quam capellae magisque tenebantur, proinde statuimus, quod licet parochiani antedicti ad refectionem et reparationem capellarum hujusmodi conferant, a contributione ad ecclesiae matricis suae fabricam et reparationem, ac alia onera parochialia quaecunque supportanda, nullatenus excusentur, sed juxta discretionem ordinarii sui contribuere teneantur. Quod si hujusmodi parochiani onera praedicta post monitionem legitimam eis in hac parte factam subire recusaverint, capellae praedictae interdican-  
 tur, et divina in eisdem non celebrantur, quousque

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\* A line has here been burnt away in the fire from which the Cottonian MSS. suffered.

parochiani hujusmodi onera praedicta subeant cum effectu, seu saltem ad ea subeunda sufficientem praestiterint cautionem.

Quamquam bonae memoriae Octobonus, olim sedis apostolicae in Angliae legatus, monachos seu canonicos regulares per maneria vel ecclesias solos morari firmiter et districte prohibuit; mandans abbatibus et prioribus quibuscunque, ut, si qui tales fuerint, eos sine morae dispendio revocarent ad conventum, vel sibi unum monachum vel canonicum sociare studerent, alioquin ipsos abbates et priores, donec id impleverint, decrevit fore suspensos; nonnulli tamen abbates, priores, et praepositi religiosorum non solum monachos, canonicos, et alios subditos suos extra septa monasterii sui morari permittunt, verum etiam licentiam per suas literas patentes ad absentandum se a monasteriis suis, ac annualia et servitia recipiend[a, et inter saeculares personas vivend]i eis conferunt et concedunt; ex quibus hujusmodi subditi occasionem vagandi contra canonicas sanctiones ac regulares institutiones saepius habere dignoscuntur; Nos hujusmodi licentias sequelasque\* earundem tam indecentes, quam animabus eorundem religiosorum periculosas esse conspicientes, firmiter injungendo mandamus, quatenus nullus abbas, prior, praepositus, minister, magister, seu alius quiscunque religiosus praesidens, quocunque censeatur [nomine], subditis suis hujusmodi licentiam de caetero concedere praesumat, sub poena xl<sup>ta</sup> solidorum sterlingorum, quam, citra poenam constitutionum legatarum praedictarum ipsum delinquentem incurrere volumus, fabricae ecclesiae nostrae metropoliticae Eboracensis fideliter applicandorum, ipsumque religiosum sic vagantem tanquam apostatam haberi volumus et computari; per hanc tamen nostram constitutionem his, quibus ad deserviendum in ecclesiis suis vel capellis per unum religiosum de subditis suis sedes apostolica indulsit, nolumus in aliquo derogare.

\* In MS. "secularesque."

Cum ecclesia Dei secundum evangelicam veritatem domus orationis esse debeat, sacrique canones et leges civiles ob Dei reverentiam, et ut Christi fideles convenientius orationi insisterent in eadem, providentius statuerunt, ne quis ad eam fugiens, seu ibidem causa orationis vel alias insistens, ab eadem extrahatur, citetur, vel arrestetur in eadem ; nos volentes leges hujusmodi, in quantum possumus, imitari, provida deliberatione habita, statuimus, quatenus nulla ecclesiastica saecularisve persona quendam occasione alicujus actionis seu querelae in ecclesia aliqua tempore, quo divina celebrantur in eadem, nisi propter offensam in dicta ecclesia immediate aut paulo ante arrestationem hujusmodi factam, arrestet, citetve, extrahat, arrestarive, citarive, extrahi faciat, sub poena excommunicationis majoris, quam in hac parte delinquentem incurrere volumus ipso facto.

Cum, sacro eloquio jubente, de omnibus, quae novantur per annum, et nullo tempore excluso decimae sint cum omni integritate absque diminutione solvendae ; omnibus et singulis rectoribus, vicariis, capellanis parochialibus, et ecclesiarum parochialium curatis, per nostram provinciam constitutis, in virtute obedientiae mandamus, firmiter injungentes, quatenus diligenter moneant et efficaciter inducant, et quilibet ipsorum in parochia sua moneat et inducat, quod dicti parochiani omnes decimas inferius annotatas suis ecclesiis persolvant ; videlicet decimam lactis seu lacticinii\* a primo tempore suae innovationis, tam in mense [Augusti, quam in aliis mensibus] ; de proventibus etiam boscorum, virgultorum, pannagiis sylvarum, vivariorum, piscariarum, fluminum, stagnorum, arborum prostratarum et excisarum, pecorum, columbarum, seminum, fructuum, et bestiarum ; warennarum, aucupicii, hortorum, curtilagiorum, lanae, lini, croci, grani, terraescidorum, et carbonum, in locis ubi fabricantur et fodiuntur ; cignorum et caponum, aucarum, anatum, ovorum, agrorum, apum,

\* Lacticinium = French *Laitage*, food made out of milk, butter, cheese, &c.

mellis et cerae proventuum, molendinorum, venationum, vellerum, artificiorum, negotiationum, necnon et agnorum, vitulorum, pullorum equinorum, capriolorum, et aliorum foetuum animalium, tunc ad decimam dandorum, cum se alendo in pascuis a matribus separati commode vivere possint. De fructibus et garbis, quarreris calcis, mineris; de nutrimentis animalium, pascuis, pasturis, tam communibus quam non communibus, secundum numerum animalium et dierum, sicut expedit ecclesiae; de feno, ubicunque crescit, aut in semitis magnis pratis sive parvis, secundum verum valorem; et de omnibus proventibus aliarum rerum de caetero satisfaciant competenter ecclesiis, quibus de jure tenentur, nullis expensis ratione praestationis decimarum deductis seu retentis, nisi tantum de praestatione decimarum, artificiorum, et negotiationum: quodsi monitionibus hujusmodi parere contempserint, per suspensionis excommunicationis et interdicti sententias per ordinarios locorum ad praestationem decimarum praedictarum compellantur, consuetudine contraria nequaquam obstante, quae peccata non minuere sed augere dignoscitur. Datum [in] synodo provinciali celebrata in ecclesia metropolitana Eboracensi XXVI<sup>to</sup> die mensis Aprilis, A.D. MCCCCLXVI<sup>to</sup>.

Scrutatis insuper registris recolendae memoriae Joh. [Kemp], nuper ecclesiae Romanae titulo sanctae Balbinae\* presbyteri cardinalis et praedecessoris nostri, meminimus constitutiones subscriptas per ipsum, in ecclesia metropolitana Eboracensi celebratas rite et legitime editas, non tamen in libro statutorum provincialium inter alia inscriptas et incorporatas; volumus igitur ipsas inter alias consuetudines publicari, promulgari et incorporari, ac ab omnibus nostrae provinciae subditis firmiter observari. Certitudinem praesentium, et memoriam futurorum sane intendentes, qualiter olim patres et praedecessores Ebor. archiepiscopi cum suffraganeis eorundem ad extirpandum vitium, et mores nutriendos,

\* At his third creation of Cardinals in December, 1439, Eugenius IV appointed Kemp Cardinal Priest of S. Balbina V. and M.

plures et diversas consuetudines necessarias et salubres vicissim suis ediderunt temporibus : nos vero Johannes, archiepiscopus antedictus, eorum vestigiis sequi inhaerentes, volentes in vinea Domini ob salutem et quietem populi nobis subjecti laborare, ut verae retributionis recipere valeamus denarium post laborem ; de suffraganeorum nostrorum ac praelatorum, et cleri nostrae provinciae in hoc concilio provinciali nobis assistentium, deliberato concilio statuimus, providemus, decernimus, et ordinamus, quod presbyteri etiam cantarias habentes, et alii sacerdotes, propriis sumptibus vel annualibus sustentati, in nostris civitate, dioecesi, et provincia divina celebrantes, proximo die dominico seu festivo post admissionem suam ad celebrandum in ecclesiis, capellis, vel locis aliis divino cultui dispositis, jurabunt, tactis sacrosanctis Dei evangeliiis, coram rectoribus, vicariis, vel aliis locum eorum tenentibus, quod ecclesiis vel capellis eorum vicegerentes nullum omnino inferent praejudicium vel damnum, circa oblationes, portiones, decimas, trentalia, denarios pro requestis sive legatis mortuorum, vel alia jura, quocunque nomine censeantur ; immo, quatenus in eis est, eosdem rectores, vicarios, et eorum locumtenentes servabunt indemnes in praemissis et singulis praemissorum. Jurent etiam specialiter dicti sacerdotes, quod odia, scandala, rixas, contumelias, seu contentiones inter rectores, vicarios, ac eorum parochianos nullo modo sustentent, foveant, aut sustineant quatenus in eis erit, immo concordiam nutriant et observent inter eos : et praefati sacerdotes infra civitatem, dioecesim, et provinciam nostras divina non celebrent, sed eis expresse interdican- tur, donec praemissa praestiterint juramenta, vel per eos steterit, quominus praestiterint ; et celebrare si praesumpserint, praeter poenas alias, quas canones inducunt contra celebrantes in locis interdictis, irregularitatem incurrant, si coram suis ordinariis super praemissis fuerint convicti. Insuper tamen eis interdicitur divina celebratio, donec fuerit cum eis super hoc legitime dispensatum.



Praeterea presbyteri ipsi [non] audient confessiones parochianorum, vel capellanorum in ecclesiis, in quibus divina celebrant, nisi in casibus de jure permissis, vel licentia praesidentium in ipsis ecclesiis petita et obtenta. Insuper presbyteri memorari debent et jurent interesse in cancello ecclesiae, in qua deserviunt, matutinis horis, processionibus, missis, et vespers, et aliis divinis officiis inibi psallentes, induti superpelliciis, quae sibi propriis expensis providebunt; et ad assignationem curatorum hujusmodi lectiones, epistolas, et evangelia in missis solennibus legent, et cum concione mortuorum lectiones mortuorum die una in ecclesiis hujusmodi missae fient plures solennes. Missas alias cum nota celebrant et percantent, ac tempore hujusmodi divinorum, sic in ecclesiis ipsis celebratorum etiam [in] navi ecclesiae vel coemeteriis aut campis vagari minime praesumant.

Praeterea dicti sacerdotes diebus dominicis et festivis vel si corpus alicujus defuncti [tumulandum] vel nuptiae celebrandae fuerint in ecclesiis supradictis, missas suas post lectum evangelium majoris missae incipiant, et non prius, et eas sic compleant, nisi per praedictos rectores, vicarios, vel praesidentes ad hoc fuerint specialiter licentiati.

Item sacerdotes praedicti et alii presbyteri curati suis vacent libris; et tabernas, spectacula, cellulas mulierum suspectarum vel ludos noxios seu prohibitos sub poena suspensionis a divinis nullatenus exerceant. Rectores vero vicarii et eorum locum tenentes praedicti benigne debent recipere juramenta praedicta, et de hac nostra constitutione ad memoriam praesentium et futurorum copiam in suis habeant ecclesiis.

Praeterea nos fida et concordii relatione informati, et rerum experientia edocti, quod nonnulli abbates, priores, abbates proprios non habentes, hospitalarii, et alii administratores bonorum ecclesiasticorum, in desolationes monasteriorum prioratum, et locorum aliorum, quibus praesunt, et prodesse debent, bona hujusmodi monas-

teriorum, prioratum, et aliorum locorum ecclesiasticorum, videlicet arbores sylvarum caeduarum, et etiam non caeduarum, redditus, possessiones, et alia jura sua vendunt et alienant, ac pensiones, corrodia et liberationes ad vitam vel longi temporis spatium vendunt et concedunt; necnon ecclesias, sibi et eorum monasteriis appropriatas, ad firmam dimittunt, et pecunias prae manibus receptas in usus proprios exponunt et convertunt, mutuumque recipiunt, ac se et monasteria sua, successorumque suos ac jura, redditus, et possessiones suas perinde obligant et distractioni saeculari submitunt; necnon et alia bona sua mobilia suis notis et amicis in immensum donant et contribuunt, sic quod occasione praemissorum eorum monasteria ac domos, et loca eis pertinentia, propter defectum reparationis collabuntur, et maximam minantur ruinam, divinus cultus in locis hujusmodi praemissorum occasione diminuitur, observantia regularum negligitur, ac bona hujusmodi monasteriorum propter abusus hujusmodi, quod dolenter referimus, devastata sunt pariter et consumpta: Nos Johannes archiepiscopus antedictus monasteriorum, prioratum, hospitalium, et locorum aliorum religiosorum infra nostram provinciam Eboracensem existentium indemnitatibus occurrere desiderabiliter affectantes, et super eis opportunum remedium adhibere, de suffraganeorum nostrorum advisamento et consilio statuimus et ordinamus, quod si salvis aliis provisionibus, statutis, constitutionibus, ordinationibus, et remediis super hujusmodi venditionibus, alienationibus, et concessionibus, antiquorum patrum auctoritate editis, ut cum venditio arborum sylvarum non caeduarum, vel caeduarum, ad magnam quantitatem, vel concessio jurium reddituum, vel possessionum, aut pensionum, corrodiorum, sive liberatarum ad vitam alicujus vel longi temporis spatium fieret alienatio, tractatus duorum dierum ad minus inter abbatem et ejus conventum, aut priorem, abbatem proprium non habentem, cum suo conventu praecedere debeat diligens et maturus; et si post tractatum hujusmodi solennem

praefatis abbati, et conventui seu priori, abbatem proprium non habenti, et ejus conventui visum fuerit, quod hujusmodi venditiones, alienationes, et liberatarum concessiones, vel mutuae receptiones eorum monasteriis, prioratibus vel aliis locis necessariae fuerint et utiles, seu opportuna, tunc super alienationibus, venditionibus, et concessionibus praemissis nobiscum in nostra dioecesi et provincia nostra et cum suffraganeis nostris in eorum dioecesibus, ac nostris et suis successoribus, temporibus pro futuris, tractatum habeant specialem et de[inde] licentiam et auctoritatem a nobis seu nostris suffraganeis in dioecesibus suis praehabitas, ad praemissas venditiones, alienationes, et concessiones liberam habeant facultatem. Quodsi abbates praedicti priores vel hospitalarii contra hanc nostram ordinationem sive provisionem venditiones, vel concessiones, nulla praehabita auctoritate, fecerint, hujusmodi venditiones, alienationes, et concessiones, ad vitam vel in perpetuum pro nullo habeantur, et omnimoda careant firmitate: et nihilominus praeter alias poenas in diversis ordinationibus inde provis, praedicti abbates, priores et hospitalarii hanc nostram constitutionem infringentes violenter, et contemnentes, eo facto a celebratione divinorum sint suspensi, et administratione bonorum monasteriorum, ac dignitate et officiis, quibus praesunt, ipso facto in perpetuum privati existant. Amen.

cii. A Convocation sat on 26th April, 1466, and voted a tenth to the King.\*

A Convocation was summoned, on a Royal Writ dated 11th June, 1470.

A Royal Writ was issued for a Convocation on 3rd December, 1472.

A Convocation, held on 6th February, 1474, voted two tenths to the King.

A Convocation was held on 21st October, 1477.

Also on 27th October, 1478.

\* Reg. Neville, Ebor., part I, f. 86 b.

Also on the Wednesday after St. Valentine's Day (14th February), 1479.

ciii. A Convocation was held on 29th October, 1480, and voted to the King one whole tenth, with certain exceptions. This was voted specially for the defence of the Marches towards Scotland. In the same Convocation a whole tenth was granted to the Archbishop of York, "*nomine charitativi subsidii*," "to pay his Grace's debts, and assist him in his burdens."\*

A Convocation, held on 19th February, 1487, granted the King one whole tenth, under conditions. This tenth was to be paid, half on St. Martin's Day (11th November). 1487, the other half on the same day, 1488.

civ. A Convocation, held on 27th January, 1489, voted two whole tenths, with a few necessary exceptions, to the King. In this "*Provincial Council*," as it is styled, which was held in the Chapter House of York on the following 27th February, the wishes of the Archbishop were stated, and certain Constitutions agreed to and passed, respecting Festivals; namely, that of the Transfiguration of Our Lord to be celebrated on the 6th of August; that of The Name of Jesus on 7th August; that of the Dedications of Churches, all and each, to be held on the same Sunday, viz., the Sunday which comes first after the Feast of the Commemoration of St. Paul (30th June).†

cv. A Convocation, held on 1st March, 1491, voted a whole tenth to the King.

Also, on 16th May, 1495, voted a whole tenth, specially for the defence of the Marches towards Scotland, with certain exceptions.

cvi. A Convocation on 26th April, 1497, voted three whole tenths as a subsidy to the King, chiefly because of the "*protervam Scotorum malitiam*." Of these three tenths, two were granted without conditions; the third, on the condition that the King, in person or by a Lieutenant, should come down to face the Scots before the first of

\* Reg. Rotheram, Ebor., f. 290; and Reg. D. and C. Dunelm., f. 181.

† Reg. Rotheram, Ebor., f. 246.

November in this year. In these days a fresh jealousy had sprung up between the kings of Scotland and England. James IV had welcomed Perkin Warbeck; and in 1496 had ravaged the borders, so inflicting great loss on the Northern Counties. This enabled Henry VII to levy large sums on the pretext of defence. In 1497 the Scottish King laid siege to Norham Castle, on the south bank of the Tweed; but, being easily outflanked by the English troops, who, under the Earl of Surrey, had occupied Ayton in Berwickshire, they raised the siege of Norham. Ere long a truce followed, and Perkin had to leave Scotland.

cvii. A Convocation of some importance was held on the 21st February, 1502, when Henry VII expressed his wish that in future all such sessions of Convocation should be held in his name, and that solely, and by his authority alone. Thus he desired to exclude the Papal claim to levy tenths, etc., in England by a Bull. This Convocation was prorogued to 15th October, 1502, and then voted a tenth to the King as a subsidy "for the support and defence of the Christian religion against the perfidious Turk." It was granted with the usual limitations.

### LXIX.

Convocation, sitting on 5th August, 1504, voted to Henry VII a whole tenth, on certain conditions, and passed the following order, which is dated 5th March, 1505.

#### ORDINATIO DE ORATIONIBUS PRO REGE.

<i>Mandatum ad publicas constitutiones provinciales editas in Convocatione celebrata Eborum A.D. infrascripto (1504).</i>	}	Thomas [Savage] permis- sione divina Ebor. Archi- episcopus, primas et apostolicae sedis legatus, dilecto in Christo filio Magistro Martino Colyns
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Decretorum Doctori, Officiali curiae nostrae Ebor., salutem gratiam et benedictionem. Cum praelati et clerus nostrae Ebor. provinciae in alma sacra sinodo sive Convocatione praelatorum et cleri ejusdem provinciae in ecclesia nostra metropolitana Ebor., die Lunae, viz., v<sup>o</sup> die mensis Augusti A.D. 1504 inchoata, ac usque et in



xliij<sup>um</sup> diem ejusdem mensis Augusti de diebus in dies continuata congregati, auctoritate hujusmodi sacrae sinodi necnon omnium praelatorum et totius cleri ejusdem consensu et assensu ordinaverunt, decreverunt, et statuerunt, quod serenissimus princeps et dominus noster supremus Henricus Dei gratia Rex Angliae et Franciae et dominus Hiberniae illustrissimus, propter certas causas et considerationes tunc expressas, omnium missarum, orationum, jejuniorum, vigiliarum, disciplinarum, bonorum operum, quae in cunctis hujus regni sacris aedibus, tam cathedralibus quam regularibus et collegiatis ecclesiis, exemptis et non exemptis, per inibi ministros operari aut fieri dignabitur clementia salvatoris, tam in vita, quam post mortem particeps erit, ac communionem et participationem habebit perpetuam, quantum cum Deo possent, concesserint, et largiti fuerint; adjicientes, similibus consensu et assensu, quod in qualicunque missa principali ad majus sive summum altare supradictum, quam (in) cathedralium quam regularium ecclesiarum numerum tredecim vivorum clericorum habentium per quemcunque ibidem ministrantium certa orationes et suffragia pro ipsius domini nostri regis salute et incolumitate, prosperoque statu et felici successu, dum in humanis egerit; aliaque nonnulla tunc etiam in specie designata, postquam ab hac luce migraverit, solemniter legerentur et fierent, prout in actis ordinationis, decreti, statuti, et concessionis hujusmodi plenius continetur, cujus tenorem totalem unacum mandato ad publicandum has constitutiones provinciales, etc. Datum 5<sup>o</sup> die Martii A.D. MDIV.

cviii. A Convocation was held in York on the 7th February, 1509.

cix. A Royal Writ was addressed to the Guardians of the Spiritualities of York in the absence abroad of Archbishop Bainbridge, summoning Convocation to meet on the 26th April, 1511. This Convocation was prorogued till the 14th January, 1512, and then, on the 4th February, it voted three whole tenths, the first to be paid on the Feast of the

Annunciation; the second at the Invention of Holy Cross (3<sup>rd</sup> May); the third at the same Feast in the following year.

A Convocation was held on the 22nd January, 1514.

### LXX.

Thomas [Wolsey] permissione divina Ebor. Archiepiscopus Angliae primas et Apostolicae sedis legatus dilectis in Christo filiis Decano et Capitulo ecclesiae nostrae metropolitanae Ebor., seu, decano absente, capitulo ejusdem, salutem gratiam et benedictionem. Quia propter quaedam ardua et urgentia negotia nos statum libertatem et honorem ecclesiae nostrae metropolitanae Ebor. concernentia praelatos et clerum nostrarum civitatis dioeceseos et provinciae Eboracensis decrevimus convocari, ut super praemissis et ea concernentibus ad Dei laudem morum reformationem et vitiorum exstirpationem ipsiusque ecclesiae nostrae status libertatis dignitatis et honoris conservationem, consilium cum eisdem praelatis et clero habere possimus et tractatum: quocirca tenore praesentium peremptorie vos citamus ac per vos canonicos et confratres vestros absentes sic citari volumus et mandamus, quod vos Decano antedicto personaliter, dictumque capitulum per unum et clerum jurisdictionis ejusdem per duos procuratores sufficientes idoneos ab ipso Capitulo et clero deputatos compareatis et compareat quilibet eorundem coram nobis aut nostrum locum tenentibus commissariis aut commissario pluribus aut uno in hac parte deputatis aut deputandis in ecclesia nostra metropolitana Ebor. praedicto die Lunae, viz. 22<sup>do</sup> die mensis Januarii proxime futuro post datum praesentium cum continuatione et prorogatione dierum tunc sequentium si oporteat, et locorum ad tractandum consentiendum et concludendum super praemissis et aliis praemissa concernentibus vobis et ipsis tunc ibidem serius exponendis vestraque et sua sana consilia in hac parte impensurum facturumque ulterius et recepturus quod ipsum proinde consilium, divina favente

gratia, duxerit concorditer ordinandum tunc ibidem. De die vero, etc. Datum nostro sub sigillo in hospitio nostro apud Westmonasterium A.D. 1514 et nostrae translationis anno primo.

A Convocation was held early in 1515.

cx. Another, on 9th April, 1516, which was presided over by the Abbot of St. Mary's, York (Edmund Thornton), and Brian Higden, Archdeacon of York.\* Two whole tenths were voted for the King.

cxi. Cardinal Wolsey in 1518 issued fresh Constitutions for the Province of York; these had been reconstructed in that year by Convocation. Wilkins gives the date but vaguely, as *circiter a. 1518*.† These Constitutions reproduce, under a new arrangement, those which had before been promulgated by previous Archbishops of York, namely George Nevill, John Thoresby, William Booth, William Grenefeld, John Kemp, Thomas Savage, William Wickwane, and Walter Gray. In this re-editing of the Constitutions, Wolsey re-affirms the need for sermons, "vulgariter absque cujuslibet subtilitatis textura fantastica," and other teaching of moral law and ecclesiastical order.

## LXXI.

This is the Northern Convocation's attempt to deal with the two questions arising out of Henry VIII's eagerness to get clear of his first Queen (Catherine of Aragon).

[Rymer's *Foedera*, XIV, p. 472].

PRAELATORUM ET CLERI DE PROVINCIA EBOR. IN  
CONVOCATIONE SUPER DUABUS QUAESTIONIBUS IN-  
STRUMENTUM PUBLICUM. 14TH JUNE, 1533.

Universis et singulis sanctae matris ecclesiae filiis  
ad quos praesentes literae, sive hoc praesens publicum  
transumpti instrumentum, pervenerint seu pervenerit,

\* Brian Higden was in this year promoted to be Dean of York.

† Wilkins, *Concilia*, III, 662.

et quos infrascripta tangunt seu tangere poterunt quomodolibet in futurum, Edwardus [Lee]\* permissione divina Eboracensis archiepiscopus, Angliae primas, et apostolicae sedis legatus, salutem in domino, et fidem indubiam praesentibus adhiberi. Ad universitatis vestrae notitiam deducimus et deduci volumus per praesentes, quod A.D. MDXXXIII indictione vi<sup>o</sup>, pontificatus sanctissimi in Christo patris et domini nostri, domini Clementis divina providentia illius nominis papae septimi, anno decimo, mensis vero Junii die decimo quarto, coram nobis in quadam superiori camera infra aedes residentiae nostrae vulgariter nuncupatas "Stockwell,"† infra dioecesim Wintoniensem notorie situatas, in notarii publici subscripti scribe nostrum in hac parte specialiter assumpti, ac testium inferius nominatorum praesentia, judicialiter pro tribunali sedentibus, comparuit personaliter venerabilis vir magister Johannes Olyver, legum doctor, quasdam literas procuratorias, manu, ut apparuit, invictissimi et potentissimi principis domini nostri Henrici octavi, Dei gratia Angliae et Franciae regis, fidei defensoris, et domini Hiberniae, more solito et consueto signatas, suoque signeto sigillatas, et se partem pro eadem (cum ea qua decuit reverentia et honore) fecit. Quarum quidem literarum procuratoriarum exhibitarum verus tenor sequitur in haec verba :

Henricus octavus, Dei gratia Angliae et Franciae rex, fidei defensor, et dominus Hiberniae, universis et singulis praesentes literas visuris, pateat evidenter, et sit notum ; quod nos de fidelitate, scientia, et circumspectionis industria dilectorum nobis Johannis Olyver,

\* Edward Lee, Archbishop of York from 1531-1544, is thus described by Erasmus, who must have come unpleasantly in contact with him :—"Quo uno nihil unquam adhuc terra produxit, nec arrogantius nec virulentius nec stultius," Ep. 248. "Nuper Graecae linguae rudimentis initiatus," Ep. 491. Lee had published notes on the Erasmus' Edition of the N.T. Basel, 1520 (Hallam, *L.E.*, I, 272).

† Now in the Diocese of Rochester, on the S.W. side of the Thames ; it was transferred to Rochester in the days of Bishop Harold Browne.

legum, et Willielmi Bretteyn, utriusque juris, doctorum, specialem fiduciam obtinentes, eosdem Johannem Olyver, et Willielmum Bretteyn nostros legitimos ad effectum infrascriptum conjunctim et divisim nominamus, et per praesentes constituimus procuratores; dantes et concedentes, prout praesentium tenore damus et concedimus eisdem procuratoribus nostris conjunctim et eorum utrique per se divisim et in solidum, potestatem et auctoritatem sufficientes et legitimas, pro nobis et nomine nostro coram reverendissimis in Christo patribus Thoma [Cranmer], permissione divina Cantuariensi archiepiscopo totius Angliae primate, et apostolicae sedis legato, necnon Edwardo [Lee] eadem permissione Ebor. archiepiscopo, Angliae primati et apostolicae sedis legato aut eorum altero, aliove iudice sive aliis iudicibus competente sive competentibus, quocunque sive quibuscunque ad infrascripta potestatem sufficientem habente sive habentibus, comparendi; necnon tractatus quoscunque inter nos progenitoresve nostros et alios reges et principes initos factos et celebratos et conclusos; ac instrumenta, munimenta, scripturas, chartas, literas testimoniales, privilegia, gratias, exemptiones, et consultationum literas, censuras, et determinationes Academiarum quarumcunque, assertionesque et opiniones praelatorum et cleri Eboracensis provinciae, et alia scripta quaecunque, nos et personam nostram, seu causas et negotia nostra, qualitercunque tangentia sive concernentia, coram eisdem, seu eorum aliquo, realiter exhibendi. Et quod nostra principaliter interest, eisdem seu eorum transumptis in diversis remotis ac longe ab invicem distantibus locis, etiam transmarinis, uti, quodque eadem adhuc duplicata non habemus, valdeque periculosum nobis foret eadem originalia ab uno loco ad alia, eademque remota et forsan transmarina propter maris et viarum discrimina, aliaque nonnulla pericula et casus adversos frequenter accidentes, et contingentes, transferri et transportari, allegandi et proponendi: ac desuper, si opus fuerit, fidem faciendi: hujusmodique tractatus, instrumenta, muni-



menta, scripturas, chartas, literas, gratias, exemptiones, privilegia, censuras, et determinationes, assertionesque, et opiniones, ac scripta quaecunque originalia, sana videlicet et integra, ac omnibus exceptione et suspicione sinistris carentia, auctoritate sua ad omnem juris effectum, qui exinde sequi poterit aut potest, exemplificari et transumi, necnon una vel plura publicum seu publica instrumentum sive instrumenta exinde confici et auctentice sigillari petendi et obtinendi, tantamque fidem hujusmodi transumptis adhibendam fore de jure deberi, quanta hujusmodi originalibus adhiberetur, decerni et pronunciari, etiam petendi et impetrandi; caeteraque omnia et singula faciendi et expediendi, quae in praemissis et circa ea necessaria fuerint, seu quomodolibet opportuna, licet mandatum de se magis exigant speciale quam praesentibus est expressum: Ratum et gratum habentes et habituri totum, et quicquid per dictos procuratores nostros aut eorum alterum gestum seu expeditum fuerit in praemissis, vel aliquo praemissorum per praesentes signeto nostro sigillatas. Datum in manerio nostro de Grenewich decimo die Julii A.D. MDXXXIII<sup>tio</sup> et regni nostri anno XXV<sup>o</sup>.

Et deinde dictus procurator nomine et pro ac ex parte dicti invictissimi et potentissimi domini nostri regis, quoddam instrumentum publicum signis et subscriptionibus Tristiani Teshe, Reinaldi Beysley, et Christoferi Beysley, notariorum publicorum, ut apparuit, subscriptum et signatum, de et super assertionibus et opinionibus praelatorum et cleri nostrae provinciae Ebor. super duabus quaestionibus in convocatione praelatorum et cleri dictae nostrae provinciae Ebor. propositis, realiter produxit et exhibuit, ac penes Nos et dictum scribam nostrum dimisit, et allegavit, quod cum eidem invictissimo et potentissimo domino nostro regi expediens foret et conducibile, dictum instrumentum publicum, quod non habuit, neque habet (uti tunc asseruit) duplicatum, de uno loco ad alium, et praesertim de isto regno Angliae ad alia multum inter se distantia

regna sive loca uno eodemque tempore ostendi et declarari, ad effectum quod omnia et singula in dicto instrumento publico cunctis Christi fidelibus innotescerent, possitque hujusmodi instrumentum publicum, si ad effectum superius expressum ad diversas partes multum inter se (ut praemittitur) distantes deferetur et transportaretur, ob viarum discrimina et casus adversos, qui frequenter accidunt, verisimiliter deperire. Nobis pro parte praefati excellentissimi domini nostri regis debita cum instantia supplicavit, quatenus dictum instrumentum publicum diligenter inspicere, contractare, et examinare curaremus. Et si illud per nos inspectum et debite examinatum reperiremus non vitiatum, non rasm, non obolitum (*sic*), non cancellatum, nec in aliqua ipsius parte suspectum, hujusmodi instrumentum publicum per notarios publicos subscriptum transumi, exemplari, et subscribi, atque in publicam et auctenticam formam redigi praecipere et mandare; necnon ut hujusmodi transumptis, sicut dicto instrumento publico, imposterum, tam in judicio, quam extra, plena fides adhibeatur, decernere decretum nostrum et auctoritatem interponere dignaremur. Tenor vero dicti instrumenti publici, una cum subscriptionibus praedictorum notariorum publicorum sequitur, et est talis:

In Dei nomine, Amen. Per praesentis publici instrumenti seriem cunctis, et praesertim invictissimo, metuendissimo, ac potentissimo principi et domino nostro supremo Henrico VIII, Dei gratia Angliae et Franciae regi, fidei defensori, et domino Hiberniae illustrissimo, caeterisque sui regni nobilibus et proceribus appareat evidenter et sit notum; quod A.D. MDXXXIII<sup>mo</sup> indictione sexta pontificatus sanctissimi in Christo patris et domini nostri, domini Clementis, divina providentia hujus nominis papae septimi, anno decimo, mensis vero Maii die 13<sup>o</sup> in domo capitulari ecclesiae metropolitanae Ebor., in nostrorum notariorum publicorum et testium inferius nominatorum praesentis, coram venerabilibus viris Willielmo, abbate monasterii B. Mariae prope et extra

muros civitatis Ebor., Briano Higdon, legum doctore, decano ecclesiae metropolitanae Ebor. praedictae, Willielmo Strangeweys, Nicolas Evererd, et Edwardo Kellett, decretorum doctoribus, commissariis sive praesidentibus in convocatione provinciali praelatorum et cleri civitatis, dioeceseos et provinciae Ebor., auctoritate reverendissimi in Christo patris et domini domini Edwardi, permissione divina Ebor. archiepiscopi, Angliae primatis, ac apostolicae sedis legati, sufficienter et legitime in hac parte deputatis, praelatisque ac clero provinciae Ebor. praedictae tunc et ibidem in Convocatione praelatorum et cleri dictae Ebor. provinciae in dicta domo capitulari congregatis, et personaliter praesentibus; comparuit personaliter egregius vir magister Rollandus Lee, decretorum doctor, a consilio dicti domini nostri Regis, ac nomine ejusdem nobiliumque et procerum dicti regni Angliae, eosdem commissarios sive praesidentes ad mandatum illius illustrissimi Principis, ut asseruit, requisivit, quatenus nobis notariis publicis infrascriptis mandarent et praeciperent, quod acta originalia in eadem Convocatione habita et facta scrutaremur, et instrumentum vel instrumenta unum vel plura, publicum seu publica, de et super compertis in actis originalibus ejusdem Convocationis, de et super assertionibus et opinionibus dictorum praelatorum et cleri, quoad quaestiones infrascriptas conficeremus.

Ad cujus petitionem dicti commissarii sive praesidentes, juxta et secundum requisitionem ex parte ejusdem invictissimi Principis, et dictorum nobilium et procerum, ut praefertur, factam, nobis notariis publicis subscriptis mandaverunt et praeceperunt in praelatorum et cleri ejusdem Convocationis tunc et ibidem existentium praesentia, nemine eorundem reluctante dissentiente aut contradicente, quatenus acta originalia hujusmodi diligenter et fideliter scrutaremur, ac de et super compertis in eisdem actis originalibus unum vel plura, publicum seu publica instrumentum sive instrumenta conficeremus. Quia nos notarii publici subscripti mandatis dictorum

commissariorum sive praesidentium obtemperare volentes, acta originalia in dicta Convocatione (nobis praesentibus) habita et facta scrutavimus, et per illud scrutinium comparavimus et invenimus, quod nuper in dicta Convocatione provinciali praelatorum et cleri civitatis, dioeceseos, et provinciae Ebor. in domo capitulari ecclesiae metropolitanae Ebor. antedicta septimo die mensis Februarii, A.D. MDXXXI inchoata, et de diebus in dies hactenus continuata et prorogata, propositae fuerunt duae quaestiones, quarum unius decisio et determinatio spectat ad theologos, alterius vero ad canonistas et juris-consultos, ut praelati et clerus antedicti easdem quaestiones cum matura deliberatione pro veritate in hac parte eruenda et habenda, quatenus ad eorum facultates respective attineret, diligenter examinarent, et opiniones suas, quid ipsi de et super eisdem sentirent, ostenderent et declararent.

Prima vero quaestio ad theologos pertinens talis est :  
“ An ducere uxorem cognitam a fratre decedente sine prole sit prohibitio juris divini indispensabilis a papa ? ”  
Ad quam post nonnulla argumenta et disputationes hinc inde per praelatos et clerum praedictos habita et facta, praelati et clerus antedicti existentes theologi in numero viginti et septem personaliter tunc et ibidem praesentes, habentes etiam procuratoria episcoporum, abbatum, et aliorum praelatorum et clericorum absentium ad numerum viginti quatuor quibusdam in numero, duobus duntaxat exceptis, asseruerunt : “ Casum hujusmodi de jure divino esse indispensablem per papam.”

Prout ex actis originalibus in registro dictae convocationis remanentibus plenius liquet.

Secunda vero quaestio ad canonistas et jurisconsultos pertinens est haec : “ An carnalis copula inter illustrissimum principem Arthurum et serenissimam dominam Catherinam reginam ex propositis exhibitis deductis et allegatis sit sufficienter probata ? ” Ad quam praelati et clerus canonistae et jurisconsulti personaliter in dicta

Convocatione praesentes, et numerum xlv<sup>or</sup> facientes, quorum quidam etiam exhibuerunt procuratoria quinque vel sex praelatorum et cleri, duobus duntaxat exceptis, affirmarunt "Se sentire ex propositis et exhibitis coram eis in Convocatione praedicta carnalem copulam inter dictum illustrissimum principem Arthurum et serenissimam dominam Catherinam quondam ejus conjugem fuisse et esse sufficienter probatam."

Prout ex actis originalibus in eadem Convocatione et nobis notariis publicis subscriptis praesentibus habitis et factis manifeste liquet et apparet. Super quibus omnibus et singulis praedictus magister Rollandus Lee, nomine quo supra nos notarios publicos subscriptos unum vel plura, publicum seu publica instrumentum sive instrumenta exinde conficere requisivit.

Acta fuerunt haec omnia et singula, prout superscribuntur et recitantur, sub anno Domini, indictione, pontificatu, mense die et loco praedictis: praesentibus tunc ibidem. Magistris Leonardo Horseman, A.M., ac Thoma Farrihere, B.C.L., testibus ad praemissa vocatis specialiter et rogatis.

Et ego Tristanus Teshe, Eboracensis dioeceseos publicus auctoritate apostolica notarius, quia requisitioni et petitioni dicti egregii viri magistri Rollandi Lee, supradictorumque commissariorum sive praesidentium mandatis et praeceptis, necnon actorum originalium, de quibus supra fit mentio, scrutinio caeterisque praemissis, dum sic, ut praemittitur, sub anno Domini, indictione pontificatu, mense, die et loco praedictis agebantur et fiebant, una cum praenominatis testibus, qui tempore requisitionis et petitionis praedictarum praesentes fuerunt, praesens personaliter interfui eaque omnia et singula sic fieri vidi, audivi, et inactitavi; igitur hoc praesens publicum instrumentum manu alterius me aliunde occupato fideliter scriptum exindeque confectum publicavi, et in hanc publicam formam redactum subscripsi, ac signo et nomine meis solitis et consuetis



signavi rogatus et requisitus in fidem et testimonium praemissorum.

Et constat mihi Notario publico supradicto de interlineatione hujus dictionis, "quondam," inter vicesimam secundam et vicesimam tertiam lineas a capite hujus instrumenti computandas, quam dictionem approbo et omni sinistra suspicione carere volo Ego Notarius antedictus.

Et Ego Reynoldus Beysley Coventriae et Lichfieldensis dioeceseos publicus auctoritate Apostolica notarius, quia, etc.

Et Ego Christoferus Beysley, Ebor. dioeceseos publicus auctoritate apostolica notarius, quia, etc.

Nos igitur Edwardus, archiepiscopus primas et legatus antedictus, petitionem et supplicationem praedictas justas, et rationi consonas fuisse et esse censentes, dictum instrumentum publicum, ut praemittitur, coram nobis exhibitum in notarii publici ac testium subscriptorum praesentia palpavimus, inspeximus, et ad effectum infrascriptum examinavimus diligenter.

Et quia dictum instrumentum publicum non rasum, non obolitum (*sic*), non cancellatum, nec in aliqua ipsius parte saltem substantiali suspectum, sed omni prorsus vitio et sinistra suspicione ad extra sensibile carentes invenimus, idcirco ad omnem juris effectum, qui exinde sequi poterit, pro tribunali, ut praefertur, sedentes, nostris auctoritate et decreto dictum instrumentum publicum publicavimus, ac illud per notarium publicum subscriptum scribam nobis in hac parte assumptum transumi, exemplari, subscribi, et in publicam et auctenticam formam redigi, ejusque signo et nomine signari mandavimus et fecimus; quibus quidem transumptis, sic ut praefertur, in publicam formam redactis sicuti dicto instrumento publico, plenam et indubitatam fidem adhibendam, tam in judicio quam extra, decrevimus, sicque per praesentes decernimus ubilibet in agendis.

In quorum omnium et singulorum praemissorum fidem et testimonium, nos Edwardus archiepiscopus primas et legatus antedictus, has praesentes litteras nostras testimoniales sive hoc praesens publicum transumpti instrumentum, dicti publici instrumenti verum tenorem in se continentes, sive continens, exinde fieri, ac per notarium publicum subscriptum ac scribam nostrum in hac parte assumptum, subscribi et signari mandavimus, nostrique sigilli jussimus et fecimus appenditione communiri.

Data et acta fuerunt haec omnia et singula, prout suprascribuntur et recitantur, sub anno Domini indictione pontificatu, mense, die et loco in prima parte hujus publici instrumenti descriptis.

Praesentibus tunc ibidem discretis viris Jacobo Ince, Richardo Cryton, et Johanne Wright, Coventriae et Lichfeldiae ac Londoniae respective dioeceseum: testibus ad praemissa videnda, audienda, et testificanda vocatis specialiter et rogatis.

Et ego Thomas Argall, Wintoniensis dioeceseos, publicus auctoritate apostolica notarius, per praefatum reverendissimum patrem in praesenti negotio scriba et actarius specialiter assumptus, quia praedictarum litterarum procuratoriarum, necnon instrumenti publici praedicti exhibitioni, petitioni, examinationi, et decreto, caeterisque praemissis omnibus et singulis, dum sic, ut praemittitur, sub anno Domini, indictione, pontificatu, mense, die et loco in prima parte hujus publice transumpti instrumenti specificatis, per praeonomiatum reverendissimum patrem et coram eo agebantur, et fiebant, una cum praeonomiatis testibus personaliter interfui, eaque omnia et singula sic fieri vidi et audiavi; ideo hoc praesens publicum transumpti instrumentum manu alterius, me aliunde occupato, fideliter scriptum, ac per me una cum dicto instrumento publico superius specificato fideli collatione sive examine collatum, necnon sigillo dicti

reverendissimi patris, eo jubente, communitum, de mandato et requisitione dicti reverendissimi patris subscripsi, et quantum in me esset, vel ad me attineret.

## LXXII.

The following is the usual protest as to appearing in Convocation, read for Bishop Tunstall, before he personally read his protest against the claim of Henry VIII to assume the title of “unicum et supremum caput” of the English Church.

(12th January, 1530–31.)

<i>-Protestatio facta in Convocatione cleri apud Ebor. per venerandum in Xto patrem Cuth- bertum Dunelm. Episc.</i>	}	In domo capitulari ecclesiae metropolitanae Eboracensis Con- vocatio praelatorum et cleri pro- vinciae Eboracensis erat cele- brata ex mandato illustrissimi Regis coram venerandissimi Briano Higden, Decano, et capitulo ejusdem ecclesiae, sede archiepiscopali Eboracensi tunc vacante.
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Quibus die et loco comparuit venerabilis vir Magister Thomas Hyndmer utriusque juris doctor, et exhibuit quoddam procuratorium pro reverendo in Christo patre et domino suo domino Cuthberto permissione divina Dunelmensi episcopo faciens se procuratorem pro eodem, ac etiam allegavit antedictum dominum suum habere quoddam privilegium ab Archiepiscopo Eboracensi et capitulo ejusdem indultum ac a sede apostolica confirmatum quod antedictus dominus suus non tenetur comparere personaliter in Convocatione Ebor., quare protestatus est nomine ejusdem domini sui quod idem dominus suus non intendit, licet huc personaliter sit accessurus, hujusmodi privilegio renunciare. Deinde xiv<sup>o</sup> die mensis ejusdem Januarii A.D. 1530 [1531] in praedicto loco capitulari coram praedicto decano et capitulo comparuit antedictus reverendus pater dominus Cuthbertus Dunelmensis Episcopus et quoddam scriptum exhibuit dicens allegans et proponens prout in eodem continetur, cujus quidem scripti forma sequitur in haec verba :—

“Coram vobis auctentica persona et viris publicavi, atque in hanc publicam et auctenticam formam redegi, signoque et nomine meis solitis et consuetis signavi in fidem et testimonium praemissorum.”

Et constat mihi de interlineatione harum dictionum sequentium, viz. “tricesimo” inter secundam et tertiam, “exhibuerunt” inter quinquagesimam tertiam et quinquagesimam quartam, “unacum” inter sexagesimam et sexagesimam unam lineas a capite hujus instrumenti computando, quas dictiones sic interlineatas approbo et omni suspitione sinistra carere volo Ego notarius antedictus.

Ad imum signi.

UT NE QUID NIMIS.

Sub sigillo praefati Archiepiscopi de cera viridi (pyxide incluso) pendente a filis sericis albi coloris intertextis.

### LXXIII.

PROTEST OF CUTHBERT TUNSTALL, BISHOP OF DURHAM,  
HANDED IN AT THE CONVOCATION HELD AT YORK,  
AFTER THE HOUSE HAD RELUCTANTLY CONSENTED  
TO RECOGNIZE THE KING'S RIGHT TO THE TITLE OF  
“SUPREMUM CAPUT.”

Ego Cuthbertus permissione divina Dunelmensis Episcopus dico et allego in his scriptis prout sequitur. Cum in verbis concessionis cujusdam pecuniae summae illustrissimo Domino nostro Henrico VIII Dei gratia Angliae et Franciae (Regi) fidei defensori et domino Hiberniae, in praesenti concilio provinciali concessae, in praefatione ubi de Lutheranorum repressione fit mentio, inter caetera contineantur haec verba, scilicet:—Quamplurimos hostes et maxime Lutheranos in perniciem ecclesiae et cleri Anglicani (cujus singularem protectorem, unicum et supremum dominum, et quantum per Christi legem licet etiam *supremum Caput*, ipsius majestatem recognoscimus) conspirantes, etc. Quae verba quanquam

plerisque absque periculo ullius offendiculi posita videantur, mihi tamen recogitanti quod quidam nuper de crimine haereseos suspecti et impetiti horum verborum sensum perverse capientes, episcoporum suorum iudicium declinare conati sunt, apertius distinguenda et ponenda ea videntur quae sub his verbis includi possunt, viz. ut si per ea intelligatur quod Rex sit post Christum supremum regni sui et cleri Anglicani in terrenis et temporalibus caput, sicut revera est, et omnes recognoscimus, sic ad vitandam malignorum interpretationem exprimenda sunt verba, ne in alium sensum ab haereticis trahantur. Si vero per ea intelligatur indistincte, prout verba sonant, quod Rex tam in spiritualibus quam in terrenis et temporalibus sit Supremum ecclesiae Caput, et quod ita licere per Christi legem affirmetur, sicut malignantes quidam illa verba (scil. *quantum per Christi legem licet*) tanquam assertive posita capere videntur, quia hic sensus cum sententia Catholicae ecclesiae videtur non convenire, idcirco ab huiusmodi sententia, verbis sic intellectis et positis, ne ab ecclesia Catholica, extra quam nemini Christiano est salus, dissentire videor, expresse dissentio. Et quia verba illa (sc. *quantum per Christi legem licet*) saniore intellectu per alios, tanquam limitative aut restrictive posita, sumuntur ; quia tamen ambiguum relinquunt quid liceat per legem Christi ; et in uno sensu, si de terrenis et temporalibus intelligantur, Rex post Christum sit Supremum Caput, utpote qui sit super omnes, et quo non sit alius superior, cum hoc liceat per legem Christi ; si vero de spiritualibus intelligantur ea verba, Rex non sit Supremum Caput ecclesiae, cum hoc per Christi legem non liceat ; Et verba etiam illa (sc. *Supremum Caput ecclesiae*) multiplicem sensum habere possunt, unum in spiritualibus, alterum in temporalibus, tertium tam in spiritualibus quam in temporalibus, et ad propositionem multiplicem non sit danda simplex responsio ; ea propter, ne pusillis occasionem demus scandali, quod Christus omnes vitare jubet, magis aperte declarandum existimo, quod omnem illum mundanum et terrenum honorem regiae majestati cum



omni humilitate obedientia et subjectione deferimus, qui Christiano regi et principi a sacerdotibus sibi subditis quovis modo deferri potest, quem ego imprimis regiae majestati, de me supra quam illis verbis explicari potest benemeritae, libens deferre et praestare semper paratus ero. Et ne verba sub ea forma qua scribuntur non declarata prodeant, ne scandala malignis aut pusillis sensu generare possint, expresse in his scriptis dissentio. Et similiter declarandum et exprimendum puto verba illa (sc. *unicum et supremum dominum*) in temporalibus post Christum accipi; subjiciens me in omnibus et hunc meum dissensum declarationem et protestationem et omnia quae suprascripta sunt, matris ecclesiae judicio. Et peto in acta hujus concilii ea omnia redigi, et publicum instrumentum mihi inde fieri. Et vos, venerabiles viri hic praesentes, ad perhibendum testimonium requiro.

## LXXIV.

cxii. Convocation, sitting on 5th May, 1534, sent to the King a letter, which states the results of their deliberations on the Pope's supremacy. They declared that "the Bishop of Rome has from Scripture no greater jurisdiction in the Kingdom of England than any other foreign bishop has." The question had been laid before them in a letter addressed "to the Clergy of the province of York, A.D. 1533, touching his title of Supreme Head of the Church of England." This letter, which carries the royal argument well, is here printed, because of the somewhat hostile attitude which the Northern Province had taken up. In answer to Bishop Tunstall's fearless protest against this royal claim of supremacy, the King's reply is found in this royal manifesto addressed through Archbishop Lee to the Northern Convocation. It was about this time that Parliament passed an important statute (Stat. 25 Henr. VIII). It opens with a statement that the submission of the clergy had been received.

KING HENRY VIII, TO THE CLERGY OF THE PROVINCE OF  
YORK, ANNO 1533, TOUCHING HIS TITLE OF SUPREME  
HEAD OF THE CHURCH OF ENGLAND.

[Cabala, pp. 244, *seq.*].

Right reverend father in God, right trusty and well-beloved, we greet you well, and have received your letters dated at York the 6th of May, containing a long discourse of your mind and opinion concerning such words as have passed the clergy of the province of Canterbury, in the proeme of their grant made unto us, the like whereof should now pass in that province. Albeit ye interlace such words of submission of your judgment and discharge of your duty towards us with humble fashion and behaviour, as we cannot conceive displeasure, nor be discontent with you, considering what ye have said to us in times past in other matters, and what ye confess in your letters yourselves to have heard and known, noting also the effect of the same ; We cannot but marvel at sundry points and articles, which we shall open unto you, as hereafter followeth.

First, ye have heard (as ye say ye have) the said words to have passed in the Convocation of Canterbury, where were present so many learned in divinity and law, as the bishops of Rochester, London, S. Asaph, abbots of Hyde, S. Bennet's, and many other ; and in the law, the archbishop of Canterbury, and the bishop of Bath ; and in the lower house of the clergy so many notable and great clerks, whose persons and learning ye know well enough. Why do ye not, in this case, with yourselves, as ye willed us, in our great matter, conform your conscience to the conscience and opinion of a great number ? Such was your advise to us in the same (our great matter) which now we perceive ye take for no sure counsel ; for ye search the grounds, not regarding their sayings. Nevertheless, forasmuch as ye examine their grounds, causes, and reasons ; in doing whereof ye seem rather to seek and examine that thing which might

disprove their doings, then that which might maintain the same ; We shall answer you briefly, without long discourse, to the chief points of your said letters. Wherein taking for a ground, that words were ordained to signifie things, and cannot therefore by sinister interpretation alter the truth of them, but onely in the wits of perverse persons that would blinde or colour the same ; by reason whereof, to good men they signifie that they mean onely doing their office, and to men of worse sort, they serve for maintenance of such meaning as they would imagine ; so in using words, we ought onely to regard and consider the expression of the truth in convenient speech and sentences, without overmuch scruple of superperverse interpretations, as the malice of men may excogitate : wherein both overmuch negligence is not to be commended, and too much diligence is not onely by daily experience in mens writings and laws shewed frustrate and void ; insomuch as nothing can be so cleerly and plainly written, spoken, and ordered, but that subtile wit hath been able to subvert the same ; but also the Spirit of God, which in his Scripture taught us the contrary, as in the places which ye bring in and rehearse :—If the Holy Ghost had had regard to that which might have been perversely construed of these words, “ *Pater major me est* ” and the other “ *Ego et Pater unum sumus* ” there should have been added to the first “ *humanitas*,” to the second “ *substantia*.” And wherefore doth the Scripture call Christ “ *primogenitum* ” ? whereupon, and the adverb “ *donec*,” was maintained the errour “ *Contra perpetuam virginitatem Mariae*.” Why have we in the church S. Paul’s epistle, which S. Peter writeth to have been the occasion of errors ? Why did Christ speak many words, which the Jews drew “ *ad calumniam*,” and yet reformed them not ? As when he said, “ *Destruite templum hoc*, etc.” meaning of his body, where “ *templum* ” with them had another signification ; and such other like ? There is none other cause but this, “ *Omnia quae scripta sunt*,

ad nostram doctrinam scripta sunt." And by that learning, we ought to apply and draw words to the truth, and so to understand them, as they may signifie truth, and not so to wrest them, as they should maintain a lie. For otherwise, as Hereticks have done with the Holy Scripture, so shall all men do with familiar speech ; and if all things shall be brought into familiar disputation, he that shall call us " *Supremum et unicum Dominum*," by that means, and as goeth your argument, might be reproved : For Christ is indeed " *unicus Dominus et Supremus*," as we confess him in the church daily : and now it is in opinion, that " *Sancti* " be not mediators ; the contrary whereof ye affirm in your letters, because of the text of S. Paul, " *Unus est mediator inter Deum et hominem*." And after that manner of reason which ye use in the entry, if any man should say, This land is my own, and none hath right in it but I ; he might be reproved by the Psalm " *Domini est terra*." For why should a man call " *terram aliquam* " onely his, whereof God is the chief Lord and Owner ? Why is it admitted in familiar speech to call a man dead, of whom the soul, which is the chief and best part, yet liveth ? How is it that we say, this man or that man to be a founder of this church, seeing that in one respect God is only founder ? We say likewise, that he is a good man to the church, a special benefactor of the church ; and that the church is fallen down, when the stones be fallen down, the people preserved and liveing ; and in all this manner of speech, when we hear them, it is not accustomed nor used to do as ye do, that is to say, to draw the word " Church " to that sense, wherein the speech may be a lie, but to take it in that wherein it signifieth truth. Which accustomed manner if ye had followed, ye should not have needed to have laboured so much in the declaration of the word " *Ecclesia*," in that signification wherein it is most rarely taken, and cannot, without maintenance of too manifest a lie, to be applied to any man. For, taking " *Ecclesia* " in that sence ye take it, S. Paul

wrote amiss writing to the Corinthians, saying “*Ecclesia Dei quae est Corinthi*”; for by your definition “*non circumscribitur loco ecclesia.*” In the Gospel, where Christ said, “*Dic ecclesiae,*” must needs have another interpretation and definition then ye make “*de ecclesia*” in your said letters; or else it were hard to make complaint to all Christendom, as the case in the Gospel requireth. “*Sed est candidi pectoris verba veritati accommodare, ut ipsam referre quod eorum officium est non corrumpere videantur.*” Furthermore, the lawyers that write how “*Ecclesia fallit, et fallitur,*” what blasphemy do they affirm, if that definition should be given to “*Ecclesia*” which ye write in your letters; wherein albeit ye write the truth for so far, yet forasmuch as ye draw that to the words spoken of us to the reprobation of them, yet ye show yourselves contrary to the teaching of Scripture, rather inclined, by applying a divers definition, to make that a lie which is truly spoken, then “*genuino sensu addita et candida interpretatione*” to verifie the same. It were “*nimis absurdum*” for us to be called “*Caput Ecclesiae repraesentans corpus Christi mysticum, et Ecclesiae, quae sine ruga est et macula, quam Christus sibi sponsam elegit, illius partem vel oblatam accipere vel arrogare.*” And therefore albeit “*Ecclesia*” is spoken of in these words touched in the proeme, yet there is added, “*et cleri Anglicani,*” which words conjoined restrain, by way of interpretation, the word “*Ecclesia*” and is as much to say as the church, that is to say, the clergy of England. Which manner of speaking in the law ye have professed, ye many times find; and likewise in many other places.

But proceeding in your said letter, ye have shewed Christ to be “*Caput Ecclesiae,*” ye go about to shew how he divided his power in earth after the distinction “*Temporalium et spiritualium*”; whereof the one, ye say, he committed to princes, the other “*sacerdotibus*”; for princes, ye alledge texts which show and prove obedience due to princes of all men without distinction,



be he priest, clerk, bishop, or layman, who make together the church : and albeit your own words make mention of temporal things, wherein ye say they should be obeyed, yet the texts of Scripture which ye alledge having the general words "*obedite, et subditi estote,*" contain no such words whereby spiritual things should be excluded ; but whatsoever appertaineth to the tranquillity of man's life is of necessity included, as the words plainly import ; as ye also confess ; wherefore "*Gladium portat princeps,*" not only against them that break his commandment and laws, but against him also that in any wise breaketh God's laws ; for we may not more regard our law then God, nor punish the breach of our laws, and leave the transgression of God's laws unreformed ; so as all spiritual things, by reason whereof may arise bodily trouble and inquietation, be necessarily included in princes power ; and so proveth the text of Scripture by you alledged, and also the doctors by you brought in confirm the same.

After that ye intend to prove, which no man will deny, the ministration of spiritual things to have been by Christ committed to priests, to preach and minister the sacraments, them to be as physicians to mens souls ; but in these Scriptures, neither by spiritual things so far extended, as under colour of that vocabule be now adaies ; nor it proveth not that their office being never so excellent, yet their persons, acts and deeds, should not be under the power of their prince by God assigned, whom they should acknowledge as their Head ; the excellency of the matter of the office doth not alwaies in all points extoll the dignity of the minister. Christ, who did most perfectly use the office of a priest, "*et nihil aliud quam vere curavit animas,*" gainsaid not the authority of Pilate upon that ground ; and S Paul executing the office of a priest, said, "*Ad tribunal Caesaris sto, ubi me judicari oportet*" ; and commanded likewise, indistinctly, all others to obey princes ; and yet unto those priests, being as members executing that office,

princes do honour, for so is God's pleasure and commandment ; wherefore, howsoever ye take the words in the proeme, we indeed do shew and declare, that priests and bishops preaching the word of God, ministring the sacraments according to Christ's law, and refreshing our people with ghostly and spiritual food, we not only succour and defend them for tranquillity of their life, but also with our presence ; and otherwise do honour them, as the case requireth, for so is God's pleasure : like as the husband, although he be head of the wife, yet, saith St. Paul, "*Non habet vir potestatem sui corporis, sed mulier,*" and so is, in that respect, under her. And having our mother in our realm, by the commandment of God we shall honour her ; and yet she, for respect of our dignity, shall honour us by God's commandment likewise. And the minister is not alwaies the better man, "*sed cui ministratur*" ; the physician is not better than the prince, because he can do that the prince cannot, viz. "*curare morbum.*" In consecration of archbishops, do not bishops give more dignity by their ministration than they have themselves ? The doctors ye bring in, takeing for their theme to extol priesthood, prefer it to the dignity of a prince ; after which manner of reasoning it may be called, "*dignius imperare affectibus, quam populis*" ; and so every good man in consideration of every dignity to excell a King not living so perfectly as he doth. And why is a bishop better than a priest, seeing and considering in the matter of their office, "*Episcopus, etiamsi administret plura, non tamen administrat majora.*" Emperours and princes obey bishops and priests as doers of the message of Christ, and his ambassadours for that purpose ; which done, "*statim fiunt privati,*" and in order and quietness of living, acknowledge princes as head. For what meant Justinian the Emperour to make laws "*de episcopis et clericis,*" and such other spiritual matters, if he had not been perswaded "*Illi esse curam ecclesiae a Deo mandata*" ? This is true, that princes be "*fili*

ecclesiae" that is to say "illius ecclesiae" which ye define : wherewith it may agree, that they be nevertheless "suprema capita" of the congregations of Christian men in their countries ; like as in smaller number of Christian men, "Non est absurdum vocare Superiores capita" as they be called indeed, and may be called "Primi et Supremi" in respect of those countries. And why else doth the Pope suffer any other besides himself to be called archbishop, seeing that he himself indeed challengeth to be "Princeps apostolorum et episcoporum" in Peter's stead, which the name of an archbishop utterly denieth. But by addition of the countrey they save the sence ; whereunto in us to be called "Ecclesiae Anglicanae" yet at the last agree, so that there were added "in temporalibus" ; which addition were superfluous, considering that men being here themselves earthly and temporal, cannot be head and governour to things eternal, nor yet spiritual, taking that word "spiritual," not as the common speech abuseth it, but as it signifieth indeed ; For "Quae spiritu aguntur, nulla lege astringuntur" as the Scripture saith "Quae Spiritu Dei aguntur, libera sunt." And if you take "Spiritualibus" for spiritual men, that is to say, priests, clerks, their good acts and deeds worldly ; in all this both we and all other princes be at this day chief and heads, after whose ordinance, either in general or in particular, they be ordered and governed. For leaving old stories, and considering the state of the world in our time, is there any Convocation where laws be made for the order of our clergy, but such as by our authority is assembled ? And why should not we say, as "Justinian" said, "Omnia nostra facimus, quibus a nobis impartitur auctoritas" ? Is any bishop made but he submitteth himself to us, and acknowledgeth himself as bishop to be our subject ? Do not we give our licence and assent to the election of abbotts ? And this is concerning the persons and laws spiritual. As touching their goods, it is in all men's opinions learned in our laws, "extra controversiam" that debate and

controversie of them appertaineth to our occasion and order. And as for the living of the clergy, some notable offences we reserve to our correction, some we remit by our sufferance to the Judges of the clergy ; as murther, felony, and treason, and such like enormities, we reserve to our examination ; other crimes we leave to be ordered by the clergy ; not because we may not intermeddle with them, for there is no doubt but as well might we punish adultery and insolence in priests, as emperours have done, and others princes at this day do, which ye know well enough ; so as in all these articles concerning the persons of priests, their laws, their acts, and order of living, forasmuch as they be indeed all temporal, and concerning this present life only, in those we (as we be called) be indeed in this realm " *Caput* " ; and because there is no man above us here, be indeed " *Supremum Caput*." As to spiritual things, meaning by them the sacraments, being by God ordained as instruments of efficacy and strength, whereby grace is of his infinite goodness conferred upon his people ; forasmuch as they be no worldly nor temporal things, they have no worldly nor temporal head, but only Christ that did institute them, by whose ordinance they be ministred here by mortal men, elect, chosen and ordered as God hath willed for that purpose, who be the clergy ; who for the time they do that, and in that respect, " *tanquam ministri versantur in his, quae hominum potestati non subjiciuntur ; in quibus si male versantur sine scandalo, Deum ultorem habent, si cum scandalo, hominum cognitio et vindicta est.*" Wherein, as is before said, either the prince is chief doer, this authority proceeded to the execution of the same ; as when by sufferance or priviledge the prelates intromit themselves therein ; wherefore in that which is derived from the prince at the beginning, why should any obstacle or scruple be to call him head from whom that is derived ? Such things as although they be amongst men, yet they be indeed " *Divina, quoniam quae supra nos sunt nihil ad*

nos."—And being called head of all, we be not in deed, nor in name, to him that would sincerely understand it, head of such things being not spiritual, as they be not temporal; and yet to those words spoken of us "*ad evitandam illam calumniam*," there is added, "*quantum per legem Christi licet*"; for interpretation of which parenthesis your similitude added of "*homo immortalis est, quantum per naturae legem licet*," is nothing like; for "*naturae lex*" is not immortality, as is "*lex Christi*" to superiority; for "*lex naturae*" nor speaketh, nor can mean of any immortality at all, considering that the law of nature ordaineth mortality in all things; but Christ's law speaketh of superiority, admitteth superiority, sheweth also and declareth "*obediendum esse principibus*," as ye do alledge. Wherefore if the law of God permitteth superiority, and commandeth obedience; to examine and measure "*modum obedientiae et superioritatis*" there can to no other thing so good a relation be made. For as ye understand the Scripture, though it say nay to part, it saith not nay to the whole; whereas nature denieth utterly all immortality, and so though in speaking of immortality of man it were superfluous to say "*quantum per naturae legem licet*," yet is not so speaking, "*de superioritate et modo principatus*," referring the certain limits to the law of Christ, "*ad cujus normam quicquid quadrat, planum et rectum est, quicquid non quadrat, pravum et iniquum*." And as touching the doubt and difficulty you make to give a single answer, yea or no, for that the question propounded containeth two things, whereof the one is true, the other false, as ye say, meaning, as ye write, that in "*temporalibus*" we be "*Caput*" and in "*spiritualibus*" we be not; it seemeth that neither your example agreeth in similitude with that ye bring it in for, nor is there in learning or common speech used the scrupulosity in answers ye write of. Truth it is, that the question in plain words containeth two parts expressly, whereof the one is true, the other false; our yea or nay cannot be answered; for



there should appear a manifest lye, which God's law detesteth, and naturally is abhorred ; as if it should be asked us, if we were king of England and of Denmark, our yea or nay should not suffice. But it is far otherwise both in matters of learning and common speech, where the words in question may by divers interpretations or relations contain two things, and yet in expression contain but one : as if a man should ask us, "*An Filius et Pater unum sunt ?*" We would not doubt to answer and say, Yea, as the Scripture saith ; for it is truly answered, and to make a lye is but sophistication, drawing the word "*unum*" to person, wherein it is a ly. If one were asked the question, Whether the man and wife were one, he might boldly and truly say, Yea ; and yet it is "*distinctione corporum naturalium*" a lie ; and to the question, "*Vtrum ecclesia constet ex bonis et malis,*" Yea ; and yet as ye define "*Ecclesiam,*" it is a lye. The reason of diversity is this, for that it is not supposed men would abuse words, but apply them to signify truth, and not to signify a lye ; wherein the Arrians offending, took occasion of heresies. For that which is in Scripture written, is a most certain truth ; and as it is there written, so and no otherwise, would Christ have answered ; if the question had been asked, "*An Pater esset major illo ?*" he would have said, yea, as it is written. And if the Arrians would have taken for a truth that of him that is truth and speaketh truth, and from whom proceedeth but truth, they would have brought a distinction with them to set forth truly, and not disprove that it was truly written by sophistication of the word. When St. James wrote, "*Fides sine operibus mortua est,*" he wrote truth ; and so did St. Paul, "*Quod fides justificat absque operibus legis*" ; which it could not do, if it were "*mortua.*" Either of these made a single asseveration of a sentence, by interpretation containing two ; trusting that the reader would "*pio animo*" so understand them, as their sayings might, as they do indeed, agree with truth. It is never to be

thought men will willingly and without shame lye ; and therefore the sence, if any may be gathered true, or like to be true, is to be taken, and not that which is a lye. And when we write to the pope “ Sanctissimo,” we mean not holier than St. Peter, though it sound so ; and he that in our letters should object that, should be thought ridiculous. He that should say he rode beyond the sea were not conveniently interrupted in his tale by him that would object sayling upon the sea, where he could not ride at all ; and rather then men would note a lye, when they know what is meant, they will sooner by allegory or metaphor draw the word to the truth, then by cavillation of the word note a lye. Hath not the Pope been called “ Caput Ecclesiae ” ? and who hath put any addition to it ? Have not men said that the Pope may dispense “ cum jure divino ” ? and yet in a part “ juris divini, viz. moralis et naturalis ” the same men would say he might not dispense. Wherefore if in all other matters it was never thought inconvenient to speak absolutely the truth without distinction, why should there be more scruple in our case ? The truth cannot be changed by words ; that we be, as God’s law suffereth us to be, whereunto we do and must conform ourselves. And if ye understand, as ye ought to understand “ temporalibus,” for the passing over this life in quietness, ye at last descend to agree to that which in the former part of your letters you intend to impugne ; and sticking to that, it were most improperly spoken to say, we be “ illius ecclesiae caput in temporalibus,” which hath not “ temporalia.”

Where the King’s humble and obedient subjects, the clergy of the realm of England have not only knowledge according to the truth that the Convocations of the same clergy is, always hath been, and ought to be, assembled only by the King’s Writ, but also submitting themselves to the King’s Majesty have promised “ in verbo Sacerdotii ” that they will never from henceforth presume, &c. Then it is enacted as follows : Be it therefore now

enacted by authority of this present Parliament, according to the said submission and petition of the said Clergy, That they ne any of them from henceforth shall presume to attempt, allege, claim or put in ure, any constitutions or ordinances provincial or synodals, or any other canons, nor shall enact, promulge or execute any such canons, constitutions or ordinances provincial, by whatsoever name or names they may be called, in their Convocation in time coming (which always shall be assembled by the authority of the King's Writ). unless the same clergy may have the King's most royal assent and licence to make, promulge and execute such canons, constitutions and ordinances provincial or synodical, upon pain of every one of the said clergy doing contrary to this act, and being thereof convict, to suffer imprisonment and making fine at the King's will."

## LXXV.

THE REPLY OF THE NORTHERN CONVOCATION TO KING  
HENRY VIII ON THE TITLE OF SUPREMUM CAPUT  
ECCLESIAE ANGLICANAE.

[Reg. Lee, Ebor., f. 88].

*Certificatorium Regi  
quod Convocatio  
Eborum corroborat  
suo consensu quod  
Episcopus Romanus  
ut supra.*

Illustrissimo et excellentissimo principi et domino Domino Henrico Octavo D. G. Angliae et Franciae regi, fidei defensori, et Domino Hiberniae, Edwardus, permissione divina Eboracensis Archiepiscopus, Angliae primas et metropolitanus salutem [in eo per quem reges regnant et principes dominantur].\* Vestrae regiae celsitudini tenore praesentium innotescimus et significamus quod cum juxta vestrae regiae majestatis mandatum coram praelatis et clero Eboracensis provinciae in sacra synodo provinciali sive convocatione praelatorum et cleri ejusdem provinciae Eboracensis in

\* These words are not found in the copy in Archbishop Lee's Register.

domo capitulari ecclesiae metropolitanae Eboracensis v<sup>o</sup> die mensis Maii, A.D. MDXXXIV jam instanti celebrata, et de diebus in dies continuata, congregatis proposita fuit sequens conclusio :—Quod Episcopus Romanus in sacris scripturis non habet aliquem majorem jurisdictionem in regno Angliae quam quivis alius externus episcopus : ac insuper ex parte praesidentium in eadem synodo per nos deputatorum memorati praelati et clerus rogati et requisiti ut illam conclusionem suo consensu confirmarent et corroborarent, si illam veritati consonam et sacris scripturis non repugnantum existimarent aut judicarent ; Tandem dicti praelati et clerus Eboracensis provinciae antedictae, post diligentem tractatum in ea parte habitum, ac maturam deliberationem unanimiter et concorditer, nemine eorum discrepante, praedictam conclusionem fuisse et esse veram affirmarunt et eidem concorditer consenserunt. Quae omnia et singula vestrae regiae celsitudini tenore praesentium intimamus et significamus. In quorum testimonium sigillum nostrum praesentibus apponi fecimus. Datum in castro nostro de Cawodd, ij<sup>o</sup> die mensis Junii, A.D. MDXXXIV, et nostrae consecrationis anno iij<sup>o</sup>.\*

## LXXVI.

## ARCHIEPISCOPI EBOR. CERTIFICATIO.

Illustrissimo et excellentissimo Principi et domino Domino Henrico Octavo, D. G. Angliae et Franciae regi, fidei defensori et Domino Hiberniae, Edwardus permissione divina Eboracensis Archiepiscopus, Angliae primas et metropolitanus, salutem in eo per quem reges regnant et principes dominantur.

Vestrae regiae celsitudini tenore praesentium innotescimus et significamus quod cum juxta vestrae regiae majestatis mandatum coram praelatis et clero Eboracensis provinciae in sacra synodo provinciae sive Convocatione

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\* It should be noted that in this Convocation the Royal Writ was sent to prorogue it, not to the 4th February, as Wilkins puts it, but from that date.

praelatorum et cleri ejusdem provinciae Eboracensis, in domo capitulari ecclesiae metropolitanae Ebor., v die mensis Maii, A.D. 1534 jam instanti celebrata, et de diebus in dies continuata, congregatis, proposita fuit sequens conclusio :—

Quod Episcopus Romanus in sacris Scripturis non habet aliquam majorem jurisdictionem in regno Angliae quam quivis alius externus Episcopus.

Ac insuper ex parte praesidentium in eadem Sinodo per Nos deputatorum, memorati praelati et clerus rogati et requisiti ut illam conclusionem suo consensu confirmarent et corroborarent si illam veritati consonam et sacrae Scripturae non repugnantem existimarent aut judicarent, tandem dicti praelati et clerus Eboracensis provinciae antedictae, post diligentem tractatum in ea parte habitum et maturam deliberationem, unanimiter et concorditer, nemine eorum discrepante, praedictam conclusionem fuisse et esse veram affirmarunt et eidem concorditer consenserunt.

Quae omnia et singula vestrae regiae celsitudini ; tenore praesentium intimamus et significamus. In quorum omnium et singularum fidem et testimonium Sigillum nostrum praesentibus apponi fecimus.

Datum in Manerio nostro de Cawodd 1<sup>o</sup> die mensis Julii, A.D. 1534, et nostrae consecrationis Anno iij<sup>o</sup>.

Archbishop Lee also sends in his own declaration on this point, in almost identical words, under the heading " Archiepiscopi Ebor. Certificatio."

cxiii. " The Ten Articles devised by the Kinges Highnes Majestie to stablyshe Christen quietnes and unitie amonge us and to avoyde contentious opinions, which Articles be also approved by the consent and determination of the hole clergie of this Realme" (London, Thomas Berthelot, 1536), indicate the point that Thomas Cromwell and his master had now reached in the progress of their ideas respecting reform. To them it was still an assertion of the authority of the King, as supreme head of his nation,



and as such was a defiance to the claims of the papacy over England. Neither King nor minister desired to make any violent break with ecclesiastical forms or established doctrines; they wished to see a reform in the active character of religion, not a revolution in dogma. They were, more or less consciously, endeavouring to set up a Catholic theology after the views of Erasmus and Dean Colet. The document now issued was an echo of that Italian reform, as the new learning, expressing itself in the person of Contarini, and in the desire of Cardinal Pole for the purifying of the Catholic faith, expressed itself in these Ten Articles. These were laid before the two Convocations in 1536, and the York Convocation replied as follows. The Articles, and the signatures of the members of the two Convocations, are printed in Brewer's edition of Fuller's *Church History*, III, pp. 141-160, and elsewhere. The reply here printed appears in Wharton, *Concilia*, III, 812.

## LXXVII.

THE OPINION OF THE CLERGY OF THE NORTH PARTS IN  
CONVOCATION, UPON TEN ARTICLES SENT TO THEM.

[Strype, *Mem. Eccles.*, I, App., p. 179].

To the first Article we think, that preaching against purgatory, worshipping of Saints, pilgrimage, images, and all books set forth against the same, or sacraments, or sacramentals of the Church, be worthy to be reprov'd and condemn'd by Convocation; and the pain to be executed, that is devised for the doers to the contrary. And process to be made hereafter in heresie as was in the days of King Henry IV,\* and the new statutes, whereby heresies now lately have been greatly nourished, to be annulled and abrogated. And that the Holy dayes may be observed according to the lawes and laudable custom; and that the bidding of beadys, and preaching may be preserved, as hath been used by old custome.

\* See Wharton, *Concilia*, III, 252.

To the second, we think the King's Highness, ne any temporal man may not be Supreme Head of the Church by the lawes of God, to have or exercise any jurisdiction or power spiritual in the same. And all acts of Parliament made to the contrary to be revoked.

To the third we say, we be not sufficiently instructed in the fact, ne in the process therein made ; but we refer it to the determination of the Church, to whom it is upheld.

To the fourth we think, that no clerk ought to be put to death without degradation by the lawes of the Church.

To the fifth we think that no man ought be drawn out of sanctuary, but in certain cases expressed in the lawes of the Church.

To the sixth we say, that the clergy of the North parts hath not granted nor consented to the parliament of the tenths or firstfruits of the benefices, in the Convocation. And also we can make no such personal graunt by the lawes of the Church. And we think that no temporal man hath authority by the laws of God to claim any such tenths or firstfruits of any benefice or spiritual promotion.

To the seventh we think, that lands given to God, the Church, or religious men, may not be taken away and put to profane uses, by the laws of God.

To the eighth we think, that Dispensations upon just causes lawfully graunted by the Pope of Rome, to be good and to be accepted. And pardons have been allowed by General Councils of Lateran and Vienna, and by laws of the Church.

To the ninth we think that by the law of the Church, general Councils, Interpretations of approved doctors, and consent of Christen people, the Pope of Rome hath been taken for the Head of the Church, and Vicar of Christ, and so ought to be taken.

To the tenth we think, that the examination and correction of deadly sin belongeth to the Ministers of the Church by the laws of the same, which be consonant to God's laws.

Furthermore we think it convenient that the laws of the Church may be openly read in Universities, as hath been used heretofore ; and that such clerks as be in prison, or fled out of the realm, for withstanding the King's superiority in the Church, may be set at liberty, and restored without danger. And that such books and works as do entreat of the primacy of the Church of Rome, may be freely kept and read, notwithstanding any prohibition to the contrary. And that the Articles of " Praemunire " may be declared by acts of parliament ; to the intent no man may be in danger therof without a prohibition first awarded. And that such " apostatas," as be gon from religion without sufficient and lawful dispensation of the see of Rome, may be compelled to return to their houses. And that all sums of mony, as tenths, firstfruits, and other arrerages, graunted unto the King's Highnes by Parliament or Convocation, and due to be paid before the first day of the next parliament, may be remitted and forgiven for the causes and reasons above expressed. And we the said clergy say, that for lack of time and instruction in these articles, and want of books, we declare this our opinion for this time ; referring our determination in the premisses to the next Convocation.

Also we desire that the Statute, commanding the clergy to exhibit the dispensations granted by the pope before the feast of Michaelmas next coming, may be revoked at the next Parliament.

cxiv. The following document appears to have emanated from a joint meeting of the two Convocations in 1534. It is reprinted from a rare volume in the Lambeth Library, entitled *The godly and pious institution of a Christen man*. The Bodleian Catalogue enters it under the heading of

"Cranmer." Strype, in his *Memorials of Abp. Cranmer* (p. 52), says that it was commonly called "The Bishops Book," because the Bishops were the composers of it. It was issued from Berthelot's Press in London in 1537.

## LXXVIII.

To the moste hyghe and moste excellent prince, our mooste gracyous and mooste redouted soverayn lord and kynge, Henry the viii, by the grace of God kynge of Englande and of Fraunce, defendour of the faythe, lorde of Irelande, and supreme heed in erth immediately under Christ of the church of Englande, Thomas, archbysshop of Canturbury, Edward, archbysshop of Yorke, and all other the bishops, prelates, and arche-deacons of this your realme, wyshe all grace, peace, and felicitie from Almighty God the Father our Lorde Jesu Christe. Pleaseth it your moste royall majestie to understande, that whereas of your mooste godly disposytion and tender zeale, whiche is impressed in youre most noble hart towardes the advauncement of Goddis glorie and the right instytution and education of your people in the knoweledge of Christis trewe relygion, your hyghnesse commaunded us nowe of late, to assemble ourselves togyther, and uppon the diligent serche and perusynge of Holye Scripture, to sette forthe a playne and syncere doctrine, concernynge the hole summe of all those thynges, whyche appertayne unto the profession of a Chrysten man, that by the same all errours, doubtles, superstytions, and abuses myght be suppressed removed and utterly taken away, to the honour of almighty God, and to the perfite establyshyng of your sayde subjectes in good unitie and concord, and perfyte quieteness bothe in theyr sowles and bodyes; We consideringe the godly effect and intent of this your hyghnes moste vertuous and gracious commandment, do not only rejoyce, and gyve thanks unto almighty God with all our hartes, that it hath pleased hym to sende suche a king to reigne over us, whiche so earnestly myndeth to set forthe amonge

his subjectes the light of holy Scripture, which alone sheweth men the ryght pathe to come to God, to see hym, to knowe hym, to love hym, and to serve hym, as He moostly desyrethe; but have also, accordynge to oure moste bounden dueties, endeoured ourselves with all our mytte, lerninge, and power to satisfye your highnes sayde desyred most godly purpose. And thereupon callynge to our remembraunce howe the hole pithe and summe of all those thinges, whiche be at greatte lenghte conteyned in the hole canon of the Bible, and be of necessitie required to thattaynyng of everlasting lyfe, was sufficiently, exactly, and therewith shortly and compendiously comprehended in the xij articles of the commune crede, called thapostels Crede, in the vij sacramentes of the Church; in the Ten Commandements; and in the prayer of our Lorde, called the Paternoster: And considering therfore that if your highnes people were perfitly instructed and lerned in the right knowlege and understanding of the same, they shulde not only be hable easily to perceyve and understand, and also to lerne by harte and beare away the hole effect and substance of al those thinges, which do appertayne, and be necessarie for a Christen man eyther to beleve or to do, but also that all occasyons, myght therby be removed, whiche by any colour or visage have caused any of them to fall or to be offended; we have after longe and mature consultation had amonges us, compiled a certaine treatise, wherin we have employed our hole study, and have therin truely and purely set forth and declared in our mother tongue the very sense and meanyng, and the very righte use, vertue, and efficacie of all the said foure partes. And forasmuche as FAITH is that singuler gift of God, wherby our hartes, that is to say, our natural reason and jugment (obscured and almooste extincted by originall and actuall synnes) is lyghtened, purifyed, and made hable to knowe and discern what thynges be in dede acceptable, and what displeasent in the syght of God; and for bicause also



that fayth is the very fountayne and chiefe grounde of our relygion and of all goodnes and vertues exercysed in the same, and is the fyrste gaate, whereby we entre and be receved and admytted not only into the familye or householde of our Lorde God, but also into the knowledge of His majestie and deitie, and of His inestimable power, wysdome, rightuousnes, mercye, and goodnes ; we have fyste of all begonne with the CREDE, and have declared by waye of a paraphrasis, that is a kynd mere and true exposition of the right understanding of every article of the same. And afterwarde we have entreated of the institution, the vertue, and right use of the seven sacramentes. And thirdly we have declared the Ten Commandmentes, and what is conteyned in every of them ; and fourthly we have shewed the interpretation of the "*Pater Noster*" wherunto we have also added the declaration of the "*Ave Maria*." And to thintent we wolde omytte nothyng conteyned in the boke of articles devised and set forthe this last yere by your highnes lyke commandement ; we have also added in the ende of this treatise, the article of *Justification*, and the article of *Purgatorie*, as they be in the sayd book expressed.

And thus havynge determyned our sentence in all thynges conteyned in the sayde treatyse accordynge to the verge trewe meanyng of scripture, we doo offer the same here with unto your mooste excellent majestie ; mooste humblye besechyng the same to permytte and suffre it, in case it shall be so thought mete to your mooste excellent wysdome to be prynted, and soo with your supreme power sette forthe and commaunded to be by us, and al other your subjectes of the clergie of this your mooste noble realme, as well religious as other, taught to your hyghnes people, without the which power and lycense of your majestie, we knowlege and confesse that we have none auctoritie eyther to assemble ourselves together for any pretence or purpose, or to publishe any thyng, that myghte be by us agreed on and compyled. And albeit, mooste drade and benigne soverayne lord,

we doo affirme by our lernynges with one assent, that the said treatise is in all poyntes so concordant and agreeable to holy Scripture, as we truste your majestie shall receyve the same, as a thyng moste sincerely and purely handled to the glorye of God, your graces honour, the unitie of your people, the whyche thynges your highnes, we may well se and perceyve, doth chiefly in the same desyre: Yet we do most humbly submitte it to the mooste excellent wysdome and exacte judgement of your majestie, to be recognysed, oversene, and corrected, if your grace shall fynde any worde or sentence in it mete to be changed, qualified, or further expounded, for the playne settinge forth of your highnes moste vertuous desyre and purpose in that behalfe. Whereunto we shal in that case conforme ourselves, as to our moste bounden duities to God, and to your highnesse apperteyneth.

Your highnes moste humble subjects and dayly beadesmen,

Thomas Cantuarien.

Joannes London.

Stephanus Winton.

Joannes Exon.

Joannes Lincoln.

Joannes Bathonien.

Rolandus Coven. et Lich.

Thomas Elien.

Nicholaus Sarum.

Joannes Bangor.

Edouardus Hereforden.

Hugo Wigornien.

Joannes Roffem.

Ricardus Cicestren.

Gulielmus Norwicen.

Gulielmus Meneven.

Robertus Assaven.

Robertus Landaven.

Edouardus Ebor.

Cuthbertus Dunelmen.

Robertus Carliolen.

Ricardus Wolmen, Archidiaconus Sudbur.	
Gulielmus Kynghte, Arch. Richmond.	
Joannes Bell, Arch. Gloucestr.	
Edmundus Boner, Arch. Leicestr.	
Gulielmus Skippe, Arch. Dorsett.	
Nicolaus Heath, Arch. Stafford.	
Cuthbertus Marshal, Arch. Nottingham.	
Ricardus Curren, Arch. Oxon.	
Gulielmus Cliffe,	)
Galfridus Downes,	)
Robertus Okyng,	)
Radulphus Bradford,	)
Ricardus Smith,	)
Symon Mathew,	)
Joannes Pryn,	) Sacrae theologiae, juris
Gulielmus Buckmaster,	) ecclesiastici et civilis,
Gulielmus May,	) professores.
Nicolaus Wotton,	)
Ricardus Coxe,	)
Joannes Edmundes,	)
Thomas Robertson,	)
Joannes Baker,	)
Thomas Baret,	)
Joannes Hase,	)
Joannes Tyson.	)

Though not in itself an Act of Convocation, the Mandate of Archbishop Lee, dated 18th September, 1537, is connected with the above series of documents. It addresses the Archdeacon of York,\* bidding him see to the active preaching of the abolition of the Papal authority, and the declaration of the King's supremacy.

## LXXIX.

A ROYAL WRIT SHOWING THE TITLES, &C., OF HENRY VIII, A.D. 1545.

Henricus Octavus Dei gratia Angliae Franciae et Hiberniae Rex fidei defensor et in terra ecclesiae Angli-

\* Le Neve, III, 134, states that Thomas Winter ceased to hold this Archdeaconry in 1529, and that the next named Archdeacon of York is Thomas Westbie in 1540.

canæ et Hibernicæ summum caput. Reverendissimo in Christo patri R[oberto]\* eadem gratia Eboracensi Archiepiscopo Angliæ primati et metropolitano salutem. Cum nuper quibusdam arduis et urgentibus negotiis nos securitatem et defensionem Ecclesiæ Anglicanæ ac pacem sive tranquillitatem, bonum publicum, et defensionem regni nostri et subditorum nostrorum ejusdem concernentibus, per breve nostrum vobis mandatum quatenus præmissis debito intuitu attentis ponderetis, universos et singulos Episcopos vestræ provinciæ ac Decanos ecclesiarum Cathedralium necnon Archidiaconos, capitula et collegia totumque clerum cujuslibet dioceseos ejusdem provinciæ ad comparandum coram vobis in ecclesia metropolitana Sancti Petri Eboracensis 16<sup>o</sup> die Octobris proxime futuro more debito convocare facietis, ad tractandum consentiendum et concludendum super præmissis et aliis quæ sibi clarius exponerentur tunc ibidem ex parte nostra. Nos tamen certis urgentibus causis et in considerationibus specialiter moventibus de advisamento Consilii nostri ipsam convocationem usque ad et in vicesimum quintum diem Novembris proxime futurum apud Sanctum Petrum prædictum duximus prorogandum. Et ideo vobis mandamus quod omnes et singulos episcopos vestræ provinciæ ac Decanos ecclesiarum Cathedralium necnon Archidiaconos Capitula et Collegia totumque clerum cujuscunque dioceseos ejusdem provinciæ, qui prætextu dicti alterius brevis nostri per convocationem istam convocati et qui sunt convocandi prætextu ejusdem brevis nostri ex parte nostra, significetis quod ad dictum 16<sup>o</sup> diem Octobris apud Sanctum Petrum prædictum non compareant, sed quod ad dictum 24<sup>um</sup> diem Novembris apud Sanctum Petrum prædictum personaliter intersint ad tractandum consentiendum et concludendum super his quæ sibi clarius exponentur tunc ibidem ex parte nostra. Et hoc sicut nos et statum regni nostri ac honorem et utilitatem ecclesiæ prædictæ diligitis, nullatenus

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\* Robert Holgate, Archbishop of York from 1545 to 1556.

omittatis. Teste meipso apud Westmonasterium 22<sup>do</sup> die mensis Septembris Anno regni nostri tricesimo septimo.

## LXXX.

The first page of the first volume of the *Acta Convocationis Eborum* runs as follows :—

Die Veneris, viz. xvi<sup>o</sup> die mensis Novembris A.D. 1545, ac excellentissimi et potentissimi in Christo principis et domini nostri Domini Henrici Octavi Dei gratia Angliae, Franciae et Hiberniae regis, fidei defensoris, et in terra ecclesiae Anglicanae et Hibernicae Supremum Caput, anno xxxvii<sup>mo</sup>, in domo capitulari Ecclesiae metropoliticae Ebor. coram venerabili viro magistro Johanne Rookebye L.D. reverendissimi in Christo patris et domini Domini Roberti [Holgate] permissione divina Ebor. Archiepiscopi, Angliae primatis et metropolitani auctoritate domini nostri regis supradicti ..... vicario in spiritualibus generali et officiali principali in praesentia mei Thomae Clerke, Notarii publici propter absentiam Magistri Johannis Wright notarii publici praefati reverendissimi in Christo patris principalis Registrarii scribae per dictum Magistrum Johannem Rokebye Vicarium in spiritualibus generalem antedictum ad Acta hujus diei expedienda. Assumpsit et comparuit personaliter Magister Willelmus Carnet (?) B.L. et exhibuit literas commissionales reverendissimi patris dicto Magistro Johanni Rokebye ab eodem reverendissimo patre eidem directas, quibus per me perlectis dictus venerabilis vir Magister Johannes Rokebye assumpsit in se onus ejusdem commissionis, et decrevit pro jurisdictione et potestate suis in hac parte; et decrevit procedendum fore secundum tenorem et effectum earundem. Et deinde facta praeconizatione pro hac sacra convocatione sive Sinodo generali provinciae Ebor. interesse debeatibus comparuerunt, prout in schedula subsequente annotatur. Quo facto, praefatus Magister Johannes Rokebye prorogavit et continuavit hujusmodi Convocationem sive Sinodum generalem praelatorum et



cleri provinciae Eborum usque ad et in xiv<sup>to</sup> diem mensis Novembris proximum, et immediate sequentem, inter horas octavam et undecimam ante meridiem ejusdem ejusdem diei. Ad hos diem et locum Convocatio seu dictum Consilium prorogatum fuit.

Quibus die et loco Missa Spiritus Sancti prius solemniter celebrata, ac facta concione in lingua latina ad clerum per Magistrum [Cuthbertum] Marshall S.T.B., idem reverendissimus in Christo pater ad locum prae-eminentiorem dictae domus accedens, ibidemque paululum morans, introductisque certificatoriis, quia ad finem hujusmodi Convocationis sive sacri Consilii provincialis personaliter ad finem interesse non poterit, igitur dilectos sibi in Christo venerabiles et egregios viros Magistros Thomam Magnus, Archidiaconum Est Ridenge, Johannem Rookebie, D.L. dicti reverendissimi in Christo patris vicarium in spiritualibus generalem, Cuthbertum Marshall, Archidiaconum Nottinghamiae, et Thomam Marser, Canonicos et residentiarios ecclesiae metropolitanae Eborum, Commissarios suos pro hac sacra Convocatione sive consilio provinciali usque ad et in xxvi<sup>um</sup> diem Januarii proxime futurum post datum praesentium prorogandum deputavit ordinavit et constituit, prout per literas, etc.

Quo facto praefatus Magister Johannes Rookebie, de consensu Magistri Cuthberti Marshall, etc., continuavit hanc Convocationem usque in horam quartam post meridiem istius diei, et monuit omnes et singulos jam praesentes ad tunc interessendum, etc.

Quibus die et loco, inter horas secundam et tertiam ejusdem post meridiem diei, comparuit clerus provinciae Eborum coram Magistris Thoma Magnus, Johanne Rookebye LL.D. vicario spiritualium generali, Cuthberto Marshall et Thoma Marser, Canonicis et residentiariis Commissariis dicti reverendissimi in Christo patris in hac parte sufficienter et legitime deputatis. Ac tunc ibidem Magister Robertus Davell LL.D. vice et nomine

totius cleri praedicti de consensu ejusdem praesentavit venerabilem virum Magistrum Georgium Palmes in prolocutorem pro hac sacra Convocatione celebranda, quem domini acceptaverunt et in prolocutorem admitterunt. Quibus sic gestis Magister Johannes Rookebie, Commissarius antedictus, de consensu collegarum suorum prorogavit hujusmodi Convocationem prout in quadam schedula quam tunc publice legebat, cujus tenor est talis, etc.

## LXXXI.

Nomina praelatorum et cleri provinciae Eboracensis comparentium in eorum Convocatione praedicto die xxiiij<sup>o</sup> mensis Novembris, A.D. 1545, regnique praefati serenissimi in Christo principis et domini nostri regis ecclesiae Anglicanae et Hibernicae Supremi Capitis, anno 37<sup>mo</sup>, in domo capitulari infra ecclesiam Metropolitica[m] Eboracensem coram dicto reverendissimo domino Domino Roberto permissione divina Eborum Archiepiscopo, etc. primate et metropolitano auctoritate praefati illustrissimi in Christo principis, etc.

Dominus Cuthbertus [Tunstall] Dunelmiae Episcopus per Magistrum Cuthbertum Marshall exhibentem procuratorium in scriptis conceptum pro dicto reverendissimo patre, et fecit se partem pro eodem, etc., ac etiam exhibentem originale[m] mandatum unacum certificarium eidem dimissum, et certificavit prout in eodem continetur.

Dominus Robertus [Aldrich] Carliolensis Episcopus per Magistrum Hugonem Sewell exhibentem procuratorium, etc.

Dominus Johannes [Bird] Cestrensis Episcopus.

Custos jurisdictionis Mannae non comparet.

Decanus Ecclesiae metropolitanae Eboracensis per Magistrum Johannem Coltman exhibentem procuratorium et facientem se procuratorem, etc.

Capitulum ejusdem ecclesiae metrop. Ebor. per Magistrum Thomam Mercer exhibuit originale mandatum ac etiam procuratorium pro eodem et fecit se procuratorem, etc.

Archidiaconus Eboracensis personaliter, et introduxit mandatum originale et certificavit, etc.

Clerus Jurisdictionis Capituli ecclesiae metropolitanae Eboracensis per Magistrum Johannem Coltman et Thomam Ferrer exhibentes et facientes, etc.

Officialis Archidiaconatus Eboracensis personaliter.

Clerus ejusdem Archi[diaconatus] comparuerunt.

Magistri Robertus Haldesworth sacrae theologiae professor, et Thomas Ferrer exhibentes, etc.

Archidiaconus Estridinge personaliter comparuit.

Officialis Archidiaconi Estridinge per Magistrum Willelmum Barnet exhibentem substitutionem Magistri Roberti Wad[e] officialis ibidem, et fecit se partem pro eodem, etc. Introduxit mandatum originale et certif., etc.

Clerus ejusdem Archidiaconatus per Magistros Johannem Brandesbie et Robertum Wade exhibentes, etc.

Archidiaconus Cleveland comparuit personaliter, exhibens, etc.

Officialis ejusdem Archidiaconatus comparuit personaliter.

Magister Willelmus Haxoppe officialis ibidem.

Clerus ejusdem Archidiaconatus per magistrum Johannem Coltman et Ricardum Sawer, exhibentes, etc.

Archidiaconus Nottingham personaliter comparuit, et introduxit mandatum, etc.

Officialis Archidiaconatus Nottingham personaliter comparuit, quia aegrotat Mr. Ricardus Wylde officialis ibidem.

Clerus ejusdem Archidiaconatus per dictum Magistrum Ricardum Wilde et Magistrum Thomam Ferrer exhibentes, etc.

Praepositus ecclesiae Beverlacensis per Magistrum Rogerum Brandesbie exhibentem, etc.

Capitulum ecclesiae Collegiatae Beverlacensis per Magistrum Willelmum Clifton exhibentem, etc.

Officialis Jurisdictionis praepositurae Beverlacensis per Magistrum Willelmum Garnet, etc.

Clerus jurisdictionis praepositurae ejusdem per Magistros Rogerum Brandesbie et Willelmum Garnet substitutum Magistri Roberti Wade.

Capitulum ecclesiae Collegiatae de Hoveden per Magistrum Willelmum Garnet.

Custos jurisdictionis de Hoveden per dominum Magistrum Willelmum Garnet custodem ibidem.

Capitulum ecclesiae Collegiatae de Ripon per Magistrum Radulphum Suggeswicke exhibentem, etc.

Custos jurisdictionis de Allertone et Allertonshire comparuit personaliter, Magister clericus Becke custos ibidem.

Clerus jurisdictionis ejusdem per Magistros Willelmum Haxoppe et Willelmum Garnet exhibentes, etc.

Capitulum ecclesiae Collegiatae de Southwell per Magistrum Ricardum Wylde exhibentem, etc.

Clerus jurisdictionis ecclesiae collegiatae de Southwell per eundem Ricardum.

Decanus ecclesiae Cathedralis Dunelmensis per Magistrum Robertum Davell exhibentem, etc.

Capitulum ecclesiae Cathedralis Dunelmensis per eundem Magistrum Davell exhibentem, etc.

Archidiaconus Dunelmensis per praedictum Mr. Darell.

Officialis Archidiaconatus Dunelmiae non comparuit.

Clerus Archidiaconatus Dunelmiae per Magistrum Robertum Darell et Cuthbertum Marshall exhibentes, etc.

Archidiaconus Northumbriae personaliter.

Officialis ejusdem Archidiaconatus Northumbriae per Magistros Cuthbertum Marshall et Davell.

Decanus de Awklande per Magistrum Davell.

Decanus de Darneton (Darlington) personaliter.

Decanus de Chester non comparet.

Decanus de Langchester per dictum magistrum Darell.

Decanus ecclesiae Cathedralis Carliolensis per Magistrum Lancelotum Shawe sacrae theologiae baccalaurium exhibentem, etc.

Capitulum ejusdem ecclesiae per eundem Magistrum Shawe exhibentem, etc.

Praepositus ecclesiae Collegiatae de Graistocke non comparuit.

Archidiaconus Carliolensis per Magistrum Hugonem Sewell exhibentem, etc.

Officialis Archidiaconatus Carliolensis non comparuit.

Clerus ejusdem Archidiaconatus per magistros Hugonem Sewell et Shawe.

Praepositus de Kyrkeoswald per dictum Magistrum Hugonem Sewell exhibentem, etc.

Decanus ecclesiae Cathedralis Cestrensis non comparuit.

Capitulum ecclesiae Cathedralis Cestrensis per magistrum Matthaeum Buxie clericum exhibentem, etc.

Archideacomus Archidiaconatus Cestriae per dictum Magistrum Matthaeum Buxie.

Clerus Archidiaconatus Cestriae per Magistrum Ricardum Smythe procuratorem suum, Magistro Milone altero absente, et dominus Smythe exhibuit, etc.

Archidiaconus Richmondiae similiter per eundem Smythe.

Clerus ejusdem Archidiaconatus similiter.



Episcopus Robertus\* Sodorensis per Magistrum Ricardum Smythe exhibentem, etc.

Capitulum ecclesiae Cathedralis non comparuit.†

Archidiaconus Manniae per Magistrum Galfridum Downes exhibentem procuratorium apud Regem et fecit se partem pro eodem, etc.

Clerus ejusdem Archidiaconatus non comparuit.

IN DEI NOMINE, AMEN. Nos Johannes Rookebye, legum doctor, Reverendissimi in Christo patris et domini domini Roberti permissione divina Eboracensis Archiepiscopi Angliae primatis et metropolitani auctoritate domini nostri domini Henrici Octavi D. G. Angliae, Franciae et Hiberniae Regis, fidei defensoris, et in terra ecclesiae Anglicanae et Hibernicae supremi capitis, et legitime fulcitus Vicarius in spiritualibus generalis et officialis principalis in hac sacra Convocatione sive consilio provinciali Commissarius sufficienter et legitime deputatus, Omnes et singulas personas ecclesiasticas ad hos diem et locum interessendum in hac sacra Convocatione vocatas praeconisatas expectatas et non comparentes pronunciamus eas et earum quamlibet contumaces et in poenam contumacionis suarum hujusmodi decrevimus procedendum fore ad ulteriorem temporum (?) contumaciis sive absentiis non obstantibus. Et ulteriorem poenam contumaciarum suarum hujusmodi per nos imponendam usque ad et in xxvj<sup>m</sup> diem mensis Januarii proxime futurum reservamus in his scriptis.

Lecta fuit hujusmodi schedula per dictum Magistrum Rogerum Rookebie mense die anno et loco praedictis.

## LXXXII.

THE FORM OF ENTRY ON THE ACTA OF AN ACTUAL MEETING OF CONVOCATION, A.D. 1545.

DECIMO QUARTO die mensis Decembris, A.D. 1545, ac regni excellentissimi in Christo principis et domini

\* In a cotemporary hand. † Struck through.

nostri domini Henrici Octavi D. G. Angliae Franciae et Hiberniae Regis fidei defensoris et in terra Ecclesiae Anglicanae et Hibernicae Supremi Capitis A. 37<sup>o</sup>, in Domo Capitulari infra ecclesiam metropolitica[m] Eboracensem inter horas octavam et undecimam ante meridiem ejusdem diei coram Reverendissimo in Christo patre et domino domino Roberto permissione divina Eboracensi Archiepiscopo Angliae primate et metropolitano auctoritate domini praedicti domini nostri Regis legitime fulcito.

Decreta est citatio pro procuratoribus Cleri civitatis dioeceseos et provinciae Eboracensis erga hos diem et locum ad audiendum voluntatem dicti Reverendissimi in Christo principis super quibusdam arduis negotiis dictum (dominum) nostrum Regem et utilitatem hujus regni Angliae respicientibus.

Quibus die et loco praeconisati fuerunt procuratores praedicti, ipsisque comparentibus prout annotatur in sequenti volumine, dictus Reverendissimus in Christo pater incontinenter dilucide declaravit omnibus praesentibus propositum ex parte regia et qualiter Clerus Cantuariensis provinciae concesserunt eidem Regiae Majestati unum subsidium vel plura subsidia solvenda. Deinde praelati et clerus dictae Eboracensis provinciae tunc ibidem ut praemittitur comparentes seorsim ad domum suam solitam infra ecclesiam metropolitica[m] Ebor. se subtraxerunt, et, matura deliberatione praehabita, Venerabilis vir Magister Georgius Palmes prolocutor dictorum praelatorum et cleri incontinenti rediens unacum dictis praelatis et clero ad dictum Reverendissimum patrem vice et nomine omnium et singulorum praedictorum porrexit quandam schedulam papiri continentem formam concessionis cujusdam subsidii dictae regiae Majestati. Cujus scedulae tenor talis est

Nos praelati et clerus comitatus Dioeceseos et provinciae Eboracensis in domo nostra solita infra ecclesiam metropolitica[m] Ebor. ad celebrandam Convocationem sive sacrosanctam Synodum congregati, Unanimi con-

sensu nostro Domino nostro Domino Henrico Octavo D. G. Angliae Franciae et Hiberniae Rege fidei defensore et in terra ecclesiae Anglicanae et Hiberniae supremo capite unum subsidium sive plura subsidia pro rata cujuslibet ecclesiae infra civitatem dioecesim et provinciam praedictas faciendum secundum tenorem vim formam et effectum cujusdam concessionis factae per praelatos et clerum Cantuariensis provinciae eidem domino nostro Regi in sessione suae sacrosanctae Convocationis Cantuariensis infra ecclesiam Cathedralem Divi Pauli Londoniae 24<sup>o</sup> die mensis Novembris, A.D. 1545 incepta pendenteque ad huc minime dissoluta unanimiter concessimus.

Nomina praelatorum et procuratorum praelatorum Cleri civitatis dioeceseos et provinciae Eboracensis in Convocatione eorundem vocandorum inchoata in domo Capitulari ecclesiae metropolitanae Ebor. die Lunae, viz. 14<sup>o</sup> die Mensis Decembris A.D. 1545<sup>10</sup> Regnique illustrissimi in Christo principis et domini nostri domini Henrici Octavi D. G. Angliae Franciae et Hiberniae Regis fidei defensoris et in terra ecclesiae Anglicanae et Hiberniae supremi capitis 37<sup>o</sup>, coram praefatum Reverendissimum in Christo patre et Domino domino Roberto permissione divina Eboracensi Archiepiscopo, Angliae primati et metropolitano auctoritate dicti domini nostri Regis legitime fulcito.

Magister Thomas Magnus, Archidiaconus Estridinge, personaliter.

Mr. Georgius Palmes, Archdn. Eboracensis, persr.

Magr. Cuthbertus Marshall, Archdn. Nottinghamiae, persr.

Magr. Ricardus Landgardye, Archdn. Cliveland, persr.

Magr. Galfridus Downes, S.T.P., persr.

Magr. Thomas Mersar, LL.B., persr.

Magr. Robertus Hindman, LL.D., persr.

Magr. Robertus Davell, LL.D., persr.

Magr. Rogerus Brandesbie, S.T.P., persr.

Magr. Willelmus Clifton, LL.D., persr.

Magr. Robertus Haldesworthe, LL.D., persr.

Magr. Rogerus Coltman, LL.B., personr.

Magr. Thomas Ferroure, LL.B., persr.

Mr. Willelmus Garnett, LL.B., persr.

Magr. Ricardus Salvene, personr.

Magr. Willelmus Haxoppe per Mr. Robertum Gibbons.

Mr. Ricardus Becke per eundem Mr. Gibbons.

Mr. Willelmus Burdene, exhibuit substitutionem  
Magistrorum Ricardi Smythe et Ricardi Buxie  
et fecit se partem pro eisdem.

Magr. Hugo Sewelle, persr.

Magr. Lancelotus Shawe, persr.

Magr. Ricardus Wilde, persr.

Magr. Ricardus Siggeswicke, persr.

Magr. Robertus Gibbons, persr.

Mr. Rogerus Watson exhibuit procuratorium pro  
capitulo ecclesiae Cathedralis Dunelmensis et  
fecit se partem, &c.

Mr. Ricardus Deane pro capitulo ecclesiae collegiatae  
de Ripon.

Quibus sic gestis Dominus Reverendissimus pater  
prorogavit et continuavit hujusmodi Convocationem prout  
ex schedula quam tunc legebat plenius ac evidentius  
apparet, cujus tenor est talis, etc.

### LXXXIII.

#### A WRIT OF EDWARD VI DISSOLVING CONVOCATION.

Edwardus sextus, D. G. Angliae, Franciae, et  
Hiberniae Rex, R. D. et in terra ecclesiae Anglicanae et  
Hibernicae supremum Caput Reverendissimo in Xto  
patri R[oberto Holgate] eadem gratia Eboracensi Archie-  
piscopo, Angliae primati et metropolitano Salutem. Cum  
praesens Convocatio cleri vestrae Eboracensis provinciae

ap[ud Ecclesiam Cathedralem] Scti Petri Eborum jam tacta et instans existit, certis tamen urgentibus causis et considerationibus nos specialiter moventibus [et cum assensu?] Consilii nostri ipsam praesentem Convocationem nostram duximus dissolvendam. Et ideo vobis mandamus quod eandem praesentem Convocationem [apud ecclesiam catholicam et] Metropolitica[m] Sancti Petri Eborum praedictam debito modo absque aliqua dilatione dissolvatis dissolve faciatis, prout convenit [Significantes a parte] nostra universis et singulis Episcopis necnon Archidiaconis Decanis et omnibus aliis personis ecclesiasticis quibuscunque dictae vestrae Eborum provinciae [qui intersunt] aut interesse poterunt, quod ipsi et eorum quilibet huic mandato nostro exequendo intendentes sint et obedientes prout decet. Teste me ipso apud — die Aprilis Anno regni nostri sexto. [1552].

## LXXXIV.

## THE RECORD OF A DISSOLUTION OF CONVOCATION.

[*Acta Convocationis Ebor., f. 42.*]

Acta Convocationis sive sacri Consilii provincialis [praelatorum et] cleri et provinciae Ebor. quarto die mensis Maii Anno Domini 1552, et Regni domini nostri regis Edwardi sexti, etc., habita, et postea in domo Capitulari Ecclesiae Metropolitanae Eboracensis inter horas nonam et undecimam ante meridiem ejusdem diei coram venerabili viro Magistro Johanne Rokeby LL.D. Reverendissimi in Christo patris et domini domini Roberti Ebor. Archiepiscopi, etc., vicario in spiritualibus generali et officiali principali et in praesentia Magistri Thomae Clerk Notarii publici Registrarii, etc.

Quibus die horis et loco lectae publice brevis Domini regis pro dissolutione Convocationis praelatorum et cleri civitatis dioeceseos et provinciae Eboracensis dictus Magr. Johannes Rokeby eandem Convocationem dissolvit vel pro dissoluta haberi voluit juxta tenorem dicti brevis prout patet in schedula subsequente: Praesentibus . . .



venerabilibus viris Galfrido . . . . ones S.T.P. Willelmo Berington (?) A.M. et Jacobo Crosthwait clerico ac Petro Pecke.

IN DEI NOMINE AMEN. Nos Johannes Rokeby, LL.D., Reverendissimi in Christo patris et domini domini Roberti permissione divina Eboracensis Archiepiscopi Angliae primatis et metropolitani, auctoritate Domini nostri domini Edwardi sexti R. G. Angliae Franciae et Hiberniae Regis, fidei defensoris et in terra ecclesiae Anglicanae et Hibernicae supremi capitis auctoritate fulciti, Commissariis in hac parte legitime deputatis in hac Convocatione rite et legitime procedens eandem Convocationem auctoritate brevis dicti Domini nostri Regis in hac parte emanatae, dissolvimus et pro dissolutam habitam volumus in his scriptis.

cxv. A Royal Writ ordered Convocation to meet at the Minster on the 12th January, 1563; this, however, was followed by a second Writ deferring the meeting till the 5th February, on which day Convocation met, and, after consideration of much weighty business, referred certain points to the consideration of the Archbishop. They then entered on the question of fees to be paid to the Proctors of the Clergy, and agreed that each beneficed clergyman in Durham and Carlisle Dioceses, and in the Archdeaconry of Nottingham, should pay 3d. in the £ for these fees; and the beneficed in the Archdeaconries of York, East Riding and Cleveland should pay 2d. in the £. In the matter of the taxation of each benefice, they agreed that taxation for the permanent tenth due to the Queen should alone be levied and no more. And for the benefices in Chester and Sodor (and Man) Dioceses it was agreed that the tax should be 3d. in the £ of all benefices in Chester and Carlisle, to pay, for the fees of the Proctors, &c., of these dioceses 3d., *i.e.*, 2d. to the Proctors and 1d. to Richard Smerthwait, apparitor general. Finally, the general subsidy for the Queen was fixed as a tenth, and no more. In the end, Convocation was prorogued to the 31st March, 1564. This appears to be the first appearance of the Diocese of Chester in the Northern Convocation,

for the Diocese had but just been formed.\* From the 31st of March, 1564, it was again prorogued to the 28th April, thence to the 3rd October, on which day the Province of Canterbury was to meet in London. At this time, however, there was so great an "infection of pestilent air" everywhere in the cities of London and Westminster that Convocation, without meeting, was prorogued again to the 6th October, 1564. A Royal Writ prorogued both Convocations, North and South, to the 1st May, 1565, thence to the 5th October, and finally to the 8th February, 1566. From this day they were again prorogued to the 1st October, thence to the 20th December, when another subsidy was granted to the Crown. Then prorogued to 8th and 15th January, 1567, and finally dissolved by the Queen. The corresponding entry as to the Convocation of Canterbury says, "On the 4th of December the Archbishop ordered the reading of a book on the subsidy to the Queen, in the enrolling and examining whereof twenty 'sessions' (*i.e.*, sittings) of Convocation, in fact the whole year of Convocation, was consumed."

This Convocation also voted an aid of 6s. in the £ on each promotion or appointment in the whole Province.

cxvi. Convocation, under a Royal Writ, met at York on the 13th April, 1571. In the Acta of this body, on the 2nd May, John Bucke, M.A., a Proctor of the House,† placed in the hands of the President a paper containing a written scheme for a reformation in the churches of the province. This schedule was openly read out in Convocation by Matthew Hutton,‡ then "one of the presidents of Convocation,"§ and thereupon it was agreed that it should

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\* The first Bishop of Chester, John Bird, was consecrated in 1537, as Bishop of Bangor, and was translated to the new Diocese in 1541.

† John Bucke became a Prebendary of Grindall, in the Diocese of York, on 15th February, 1566. Editors who say that it is misspelt for Burke have mistaken the sixteenth-century way of writing the letter "c."

‡ Matthew Hutton was Margaret Professor at Cambridge in 1561; then Regius Professor; in 1567 he became Dean of York (1567-1589), then Bishop of Durham, and in 1595 Archbishop of York.

§ "Unum praesidentium istius Convocationis vice et auctoritate rev. patris deputatum" (Wilkins, IV, 270). These probably answer to the Prolocutor's assessors, as now appointed.

be discussed at the meeting to take place on the 9th May following. Nothing appears to have been done on that day. On 8th June this schedule was again referred to, but no record of any action taken or further notice of the proposal entertained.\*

cxvii. A Convocation, held on 9th May, 1572, was adjourned, first to the 12th January, 1573, then to the 2nd April, then to the 14th October, then to the 5th February, 1574; to the 20th April, then again on the 9th February, 1575; then to the 27th February, and to the 1st, 9th and 23rd of March. when, finally, a gratuitous subsidy (amount not stated) was voted to the Queen. This Convocation sat from time to time throughout 1576.

## LXXXV.

cxviii. A Convocation was summoned for the 17th January, 1581. In this, after sundry prorogations, there was voted to the Queen a subsidy of 6s. in the £ on ecclesiastical benefices, &c., for the whole province. The form of grant is given as follows.

[*Acta Convocationis Ebor.*, p. 136].

. . . . . Et tunc dicti domini Commissarii et caeteri in hujusmodi Convocatione nunc comparentes, lecta primitus concessione subsidii regii, viz. vis. de libra de beneficiis et promotionibus ecclesiasticis in et per totam dioecesim et provinciam Eboracensem, prout in recordis regis de decimis et primitiis taxantur in scriptis modo et forma, prout per praelatos et clerum Cantuarensis provinciae est modo concessum, concepta: memorati praelati et clerus in praedicta Convocatione comparentes officium suum ergo serenissimam in Christo principem et dominam Elizabetham, etc., ponderantes ac multifaria, eaque ampla, beneficia in ipsos indies et cumulate, non modo per gratiosissimum et piissimum suum regimen et imperium, quo pacifice gubernantur, divinoque obsequio inserviando, et muneri suo obeundo et exsequendo magis habiles et idonei redduntur; verum etiam, idque praecipue, per sacrosancti verbi Dei editionem, synceraeque suae et

\* Trevor, *Two Convocations*, 96.

verae religionis in hoc regno professionem et stabiliationem, omnimodaeque forinsecae potestatis eisdem contrariae abolitionem, collata recordantes: necnon tam inevitabiles illas expensas quibus serenissima regia majestas in hujus regni aliorumque dominorum suorum defensione et protectione continuo de verisimili onerabitur, quam quas dudum in Hibernia contra papam et ejus adhaerentes verae religionis regiaeque suae auctoritatis et status (quantum in eis fuit et est) ruinam et eversionem attempantes, sustinuit et impraesentiarum sustinet, advertentes et considerantes pro declaratione ac in signum et pignus sui erga sublimitatem regiam officii et fidelitatis, unanimi assensu et consensu suis, subsidium praedictum modo et forma, prout in dicta concessione (ut praefertur), lecta continetur, petendum, exigendum, levandum, solvendum concesserunt, etc.

There is in this document an allusion to the Irish rebellion of 1579, under the Earl of Desmond.

The above Convocation, having been prorogued to the 7th April, 1581, looked into the payments to be made to the proctors attending the sessions. The following entry again shows clearly that the paying the Proctors, whether they were Proctors of the prelates or those of the clergy, was an accustomed payment.

#### LXXXVI.

[Wilkins, *Concilia*, IV, 302, and *Acta Convoc. Ebor.*]

And in respect of the paynes and attendance of the proctors and their substitutes appearing in this Convocation and other officers and ministers it is now ordered and decreed, that every prelate, and others of the clergy, appearing by proctor now present in the same, shall well and truly answer, satisfy, and pay to his said proctor for every pounce that he or they may yearly dispend by reason of their promotions and livings within this province of York (all vicars excepted) two-pence; and the said vicars one penny and no more. And for the true and

certain value of all the same promotions and every of them, whereof the payment of this salary to the said proctors shall be made, the rate, taxation, and valuation now remaining of record in her Majesty's Court of Exchequer for the payment of first fruits and tenths to her Majesty shall only be followed and observed.

cxix. A Royal Writ summoned a Convocation for the 24th November, 1584 ; it sat that day, on the 8th, and the 22nd, on 8th January, 1585. 5th February, and 4th March, on which day it voted a subsidy ; and, after continuing to sit till the 19th March, was adjourned to the 7th April. It does not seem to have been dissolved by Royal Writ till the 15th September, 1586.

cxx. Another Convocation was similarly summoned to sit on the 16th October, 1586 ; it was prorogued to the 2nd November, and sat from day to day till the 9th March, 1587 ; it then granted the Queen a subsidy and a benevolence. The announcement of these grants is couched in quite glowing and patriotic terms, which show how completely the temper of the York Convocation had changed in a few years. All through the earlier part of Elizabeth's reign they had been opposed to her in the struggle between the popular will and the royal authority. But as time went on, the masterful qualities of the Queen wore down their resistance, until in the critical years, 1586 and 1587, they saw Mary of Scots finally overthrown and executed, and, as they now understood that it was a life and death struggle for England, they uttered no protest at all. At this time, as the Historian of the English People says, " in the presence of the stranger all religious strife was forgotten. The work of the Jesuits was undone in an hour : no one proved a traitor."\* And if this was so with the Roman Catholics, still less could the English Church clergy stand out against the Queen, and so declare themselves to be disloyal to their country. Henceforth, therefore, the addresses of Convocation towards the Queen breathe a spirit of loyalty, even of affection, which gives them a tone quite unlike all previous documents of the kind.

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\* J. R. Green, *Hist. Engl. People*.



## LXXXVII.

[*Acta Convocationis Ebor.*, 149; Wilkins, *Conc.*, IV, 323].

Praelati et clerus, habito inter eos tractatu in hac parte requisito, prout hujus negotii gravitas exigebat . . . officium suum erga serenissimam principem et dominam nostram Elizabetham, &c., ponderantes, ac ampla et multifaria beneficia in omnes hujus regni Angliae subditos generaliter et ipsos specialiter indies et cumulate non modo per gratiosissimum et piissimum suum regimen et imperium, quo pacifice gubernantur, divinoque obsequio inserviando et munere suo obeundo et exequendo magis habiles idonei redduntur; verum etiam, idque praecipue, per sacrosancti verbi editionem, sinceraeque et verae religionis in hoc regno professionem et stabiliationem omnimodaeque forinsecae potestatis eisdem contrariae abolitionem collatam considerantes; pensantes etiam graves impensas, quas regia majestas tam in provisione necessaria omne genus armorum et munitionum pro dominiis tam per mare, quam per terram fortificandis, hostilibusque invasionibus resistendis, quam in praevensione necessaria gravissimorum facinorum, non modo ad pacem disturbendam, sed ad ipsam nostram rempublicam felicissimam evertendam et destruendam, notorie tendentium, ruinam et calamitatem diversarum regionum associatarum a nobis procul non jacentium inferendam, extirpationemque verae et syncerae confessionis Christianae plane minantium, nuper sustinuit; pensantes denique malitiam eorum, qui veritati divinae se opposcentes in sacram dictae serenissimae principis personam (quam Deus continue maximus nobis ad sui gloriam, et evangelii sui propagationem diu conservet incolumem!) ac in felicem hujus regni statum nefarie conjurarunt; quae indies crescit et pullulat, prout per non pauca papistarum stratagemata diabolice adinventae, nuper, Dei beneficio, nudata, luce clarius patet. Unde periculosissimi, et non sine multi sanguinis effusione, eventus verisimiliter orirentur, si non divino beneficio summaque dictae

sacrae principis insignis Christianae reipublicae propugnaculi providentia praeveniat; id quod sine maximis majestatis suae sumptibus fieri nullo modo potest; pro declaratione, ac in signum et pignus suae erga sublimitatem ipsius dominae reginae voluntatis fidelitatis et officii unanimi assensu et consensu suis, quoddam ultroneum subsidium sex solidorum de libra omnium dignitatum beneficiorum et promotionum spiritualium et ecclesiasticarum provinciae Eboracensis eidem dominae reginae haeredibus et successoribus suis sub modo et forma, prout in scriptis penes acta remanentibus, ac sub conditionibus et provisionibus in iisdem specificatis plenius liquet et apparet; sed etiam quandam benevolentiam (quam vocant) de omnibus beneficiis praedictis, viz. iiii. de libra, personae dictae serenissimae principis tantum concesserunt in scriptis, ut in schedula penes acta hujus sanctae synodi etiam remanente plenius et planius continetur; quas quidem separatas concessiones dicti praelati et clerus, ut praefertur, congregati, per manuum suarum subscriptionem regiae majestati tunc et ibidem commendarunt. Et tunc praelati et clerus de sumptibus procuratorum et eorum substitutis, ac aliis officariis et ministris in hac synodo servientibus, suppeditandis decretum sequens iniverunt.

And in respecte of the paines and attendance of the proctors and their substitutes appearing in this present convocation, and other officers, and ministers serving in the same, it is now ordered and decreed by the said prelates and clergy, with one assent, that every prelate and others of the clergy within the said province having any benefice or promotion spiritual or ecclesiastical, and appearing by proctor in the same convocation, shall well and truly answer, satisfie, and pay to his said proctor now present in this convocation, and to the register and apparitor of the same convocation, for every pound that he or they may yearly dispend by reason of their benefices and promotions within the said province (all vicars excepted) twopence, and every vicar whose benefice is of ten pounds

or above, one penny and no more ; one moiety thereof to be paid to every of the said proctors now present for such as he appeareth for, and the other moiety to be paid and divided equally betwixt the said register and Thomas Southworth the apparitor, in respect of their said pains and attendance, upon the sight of a copy of this synodical decree, under the hand of the actuary of the same synod or convocation. And if any man chargeable to and with the said salary or any part thereof, shall not, upon sight of the said copy, well and truly satisfie, and pay his part of the said salary, according to the true meaning of this constitution, to such person or persons as shall make shew of the same copy so subscribed, it is then, and in that case by the authority of the convocation provided and decreed, that it shall be lawful for the Chancellor of the archbishop of York for the time being, to call before him every person so making default of payment, and him by the censures of the Church thereunto to compel as appertaineth. And for the true and certain value of all the same promotions and benefices and every of them, whereof the payment of this salary shall be made, the rate, taxation, and valuation now remaining of record in her majesty's court of Exchequer, for the payment of first-fruits and tenths to her majesty, shall only be followed and observed. Provided that none of the beneficed men, appearing personally this day in this convocation, shall be chargeable to the said salary for their promotions and benefices.

The following is the form in which the Benevolence was submitted to the Queen :—

[*Acta Conv. Ebor.*, p. 151].

Most excellent and most gracyous soveraigne ladie. We your prelates and clergie of the province of Yorke, gathered together in a convocation or synode callinge to our myndes and consideringe with all thankfulle remembraunce the manyfolde and great benefyttes that everie member of this realme generally hathe, and dothe

daylie receyve, by the blessinge of Almighty God, under your majesties most happy and peaceable government ; and we ourselves specially, by your gracyous and pryncely care over us, whereby we do not onely enjoy our lyves and lyvinges in happie peace, but also the free exercise of our mynistry and function, the true preachinge of God, and the syncere admynistringe of His holly Sacraments (to us farre more deare than our lyves and lyvinges) : and further, seynge the infynite occasions that (through the execrable malice of the enemyes of the gospell of Chryste) do dayly aryse, whereby your highnes is dryven to many extraordinary and inestymable expenses for the necessary defence of the gospell, and your highnes dominions, in token of our dutyfull and thankfull hartes to your Majesties most Royal person, have withe one mynde and hartie good will (over and above our subsidie of six shillinges in the pounce alreadie graunted to your Highnes, your heys and successours in this our convocation or synode) yeilded to gyve, and by these presentes do gyve and graunte to your highnes's person onely a benevolence or contrybution of thre shillinges of everie full pounce of the clere yearely value of all ecclesiasticall and spirituall promotions within the said province of Yorke, and of the landes, benefyces, appropriations and other possessions and revenues to the same belonginge, or now remaining unseparated from the same, and in the possession of the clergie, to their onelic use, according to the taxation and valuation mentioned in our said graunte of the said subsidy (the tenths therof beinge deducted) and not otherwyse ; if it shall please your highnes to lyke and assent therunto (all vycaryages under the value of tenn pounes after the rate of the said taxation, and all landes, revenues, possessions, benefyces, and appropriations, belonginge to eyther of the unyversyties of Cambridge and Oxford, or to any other colledge, Hall, or house of studentes in the same or eyther of them, or to the collegiate church of Westminster, the free chappell or colledge of Wyndesore,

the colledge of Eaton by Wyndesor, the colledge of Wynchester founded by byshoppe Wyckham, or to any alms hous, hospytall, or gramer schole, or assigned, appoynted, or used to the mainteynence of any preacher, or reder of divynytye, poore men, scholemaisters, ushers, gramarians, pettie canons, conductes, vicars chorall, singyngemen, choristars, vergers, or any other necessarie inferior officers in any cathedrall, or collegiate church or colledge within the said province, or towards the reedyfyinge, or repayringe of any of the same cathedrall or collegiate churches, or colledges onely excepted—the said contrybution or benevolence of iiis. in the pound, as is aforesaid, to be payd to such person or persons as your majesty shall appoynte for the receypte therof, to your highnes onely use, at thre severall paymentes, without any deduction, savinge of four pence of every pounce for the collection and portage, and without any maner of chardge to the accomptante, savinge thre shillings four pence for the general acquyttance for every of the said thre payments; the first payment therof to be due the first day of May next, and the second payment to be due the first day of May, which shall be in the year of our Lord God MDLXXXVIII, and the third payment to be due the first day of May in the year of our Lord God MDLXXXIX. And we your prelates and clergy most humbly beseech your majestie to take in good part our lovinge mindes and good willes, and not onely to accept of this small gift of ours (tho it be nothing answerable to our desires) but also by your majesties letters patentes under your great seal to assent therunto, and to license, and authorise us in this our convocation and synode, to devise, make, and ordain such orders, decrees, or constitutions provincial and synodal, as we shall think most expedient for the more speedy and sure levying and payment of the said benevolence or contrybution, and therby also to give and testifie your majesties royal assent to such orders, decrees, and constitutions, as in this our synode and convocation we shall make, decree,



or ordain for the speedie and sure levying, and payment therof to such person and persons as your majestie shall appoint for the receipt therof, as is aforesaid. In cujus rei testimonium nos Edwinus, providentia divina Ebor. archiepiscopus, Angliae primas et metropolitane, ad petitionem confratrum meorum, et totius cleri nostrae Ebor. provinciae sigillum nostrum archiepiscopale praesentibus apposuimus. Datum Ebor. in domo nostra capitulari nono die mensis Martii anno Domini juxta computationem ecclesiae Anglicanae MDLXXXVI, et nostrae translationis ad archiepiscopatum Ebor. anno undecimo.

## LXXXVIII.

*Litterae patentes* }     Regina, &c., omnibus, &c., salu-  
*dominae nostrae* }     tem. Cum praelati et clerus Eboracensis provinciae, nostra auctoritate in  
*Reginae.*         }     synodo sua seu convocatione congregati, ex intima et  
propensa animorum suorum affectione, quam erga nos  
gerunt (ultra et praeter subsidium sex solidorum singu-  
larum librarum annuatim) quandam benevolam con-  
tributionem trium solidorum pro singulis libris annuis  
omnium et singulorum beneficiorum suorum ecclesiasti-  
corum et promotionum spiritualium quarumcunque, ac  
omnium possessionum ac reversionum eisdem annexarum,  
seu quovismodo spectantium et pertinentium, dederint  
et concesserint, prout per quoddam scriptum seu  
instrumentum publicum sigillo praedilecti et fidelis  
subditi nostri Edwini archiepiscopi Eboracensis, munitum  
et nobis exhibitum, gerens datum 9<sup>o</sup> die Martii, anno  
Domini juxta computationem ecclesiae Anglicanae  
MDLXXXVI plenius liquet et apparet; Sciatis igitur, quod  
nos ad humilem petitionem praelatorum nostrorum et  
cleri antedicti praefatae benevolae contributionis con-  
cessionem acceptamus, approbamus, et eandem con-  
firmamus, ratificamus, et stabilimus, ac eidem omnibusque  
et singulis clausulis, sententiis, provisionibus, et exceptio-  
nibus in dicto instrumento contentis et specificatis regium  
nostrum assensum ex certa scientia et mero motu nostris

praebemus per praesentes ; ac insuper sciatis, quod ex gratia nostra speciali ac certa scientia et mero motu nostris licentiam facultatem et auctoritatem praelatis nostris et clero praedictis in hac praesenti synodo congregatis decernendi, ordinandi, et constituendi quaecunque decreta, ordinationes, et constitutiones, synodalia, ac eadem sic per ipsos decreta, ordinata, et constituta executioni mandandi et cum effectu exequendi, quae sibi commoda et opportuna videbuntur pro meliori vera et justa collectione et solutione dictae benevolae contributionis, et cujuslibet inde parcellae, dedimus concessimus et confirmavimus, ac etiam damus concedimus et confirmamus per praesentes. In cujus rei, etc.

## LXXXIX.

The above document was read out in Convocation on the 23rd of March (1586), and the following consequent act was at once agreed to :—

[Wilkins, *Concilia*, IV, 325].

Dicti praelatus et clerus auctoritate et vigore dictarum literarum regiarum patentium in ea parte rite et legitime procedentes, ordinationes et Statuta synodalia pro fidei collectione, levatione, receptione, et solutione praefati extraordinarii subsidii trium solidorum in qualibet libra beneficiorum et promotionum suorum ecclesiasticorum infra hujusmodi Eboracensem provinciam constituti nomine benevolae contributionis serenissimae dominae nostrae Reginae Elizabethae, etc., per eosdem praelatos et clerum in dicta synodo congregatos, nono die mensis Martii in tantis concesserunt fecerunt, ordinauerunt, et constituerunt, et pro valore, validitate, robore, et effectu earundem auctoritate, qua supra, decreverunt et pronunciarunt. Quarum quidem constitutionum sive ordinationum veri tenores sequuntur, et sunt tales. viz.

*Ordinationes aliquot synodales factae 23 die mensis Martii A.D. juxta ecclesiae Anglicanae computationem MDLXXXVI per reverendissimum in Christo patrem et dominum, dominum Edwinum providentia divina Eboracensem archiepiscopum, Angliae primatem et Metropoli-*

*tanum aliosque praelatos Eboracensis provinciae et reliquum inferiorem clerum in sacra synodo in domo capitulari Ecclesiae Cathedralis et metropolitanae beati Petri Eboracensis pro collectione et solutione cujusdam extraordinarii subsidii trium solidorum in qualibet libra, nomine benevolae contributionis serenissimae dominae nostrae reginae Elizabethae, etc., per eundem archiepiscopum, praelatos, et clerum in dicta synodo congregatos nono die dicti mensis Martii concesserunt.*

Cum nos Edwinus divina providentia Eboracensis archiepiscopus, Angliae primas et metropolitanus, episcopi, praelati, et clerus Eboracensis provinciae in sacra synodo provinciali, sive praelatorum et cleri ejusdem Eboracensis provinciae convocatione in domo capitulari ecclesiae cathedralis et metropolitanae beati Petri Eboracensis praedicta 16 die mensis Octobris, A.D. 1586 jam currente, inchoata et celebrata, ac de tempore in tempus ex causis urgentibus et de diebus in dies continuata congregati, post multa ibidem tractata die Jovis 9 viz. die mensis praesentis Martii, 1586 quandam benevolam contributionem trium solidorum pro qualibet libra illustrissimae et potentissimae principi Elizabethae, etc. (praeter et ultra subsidium sex solidorum in qualibet libra) concesserimus ex beneficiis et promotionibus nostris ecclesiasticis, sumptibus et expensis omnium nostrum colligendum et levandum infra proximum triennium persolvendum singulis viz. annis, durante illo termino, modo, forma, diebus, ac sub cautionibus et conditionibus in quodam instrumento publico inde confecto, et sigillo nostri Eboracensis archiepiscopatus munito, dato dicto nono die hujus mensis Martii, plenius liquet; Cumque eadem serenissima domina nostra regina per literas suas patentes sub magno Sigillo suo Angliae assensum suum regium eidem concessionem adhibuerit, et in eisdem suis literis patentibus huic sacrae synodo potestatem et auctoritatem canones et ordinationes synodales pro collectione et levatione dictae contributionis faciendi, promulgandi, et exequendi concesserit, ut per dictas suae majestatis patentes literas

plenius apparet: ut igitur hujusmodi nostra concessio faciliorem et magis expeditum consequi possit effectum, utque omnes et singulae pecuniarum summae per nos singulis dicti triennii annis concessae, certius et commodius colligantur, ac terminis et locis suis ad usum dictae dominae nostrae Reginae persolvantur:—

1. STATUIMUS, ordinamus, et volumus, quod dicta contributio ab omnibus et singulis personis ecclesiasticis Eboracensis provinciae, quae vigore dictae concessionis contribuere tenentur, per collectores idoneos ad hoc per suos dioecesanos seu (sede vacante) per decanum et capitulum deputandos, modo et forma subsequentibus levetur et colligatur.

2. Item auctoritate praesentis convocationis sive synodi ordinamus et statuimus, quod ante ultimum diem mensis Aprilis cujuslibet anni, qui in dictum triennium incidet, Reverendissimus pater Eboracensis archiepiscopus, omnesque et singuli dictae provinciae Eboracensis episcopi dioecesani et (sede episcopali vacante) decanus et capitulum, collectores idoneos in omnibus locis exemptis et non exemptis, in singulis suis respective dioecesibus, ad dictam contributionem et quamlibet ejus partem, modo, forma, et terminis infra expressis debite levandum et colligendum, juxta eorum arbitria et sanas discretiones, per literas suas patentes sigillis suis episcopalibus seu capitularibus respective munitas, constituent, ordinabunt, et deputabunt, ac ipsos sic deputatos et eorum quemlibet (si fuerint ecclesiastici) ad hujusmodi collectionis officium suscipiendum per censuras ecclesiasticas, viz. per censuras suspensionis interdicti aut excommunicationis sententias, ac per sequestrationem fructuum et proventuum beneficiorum aut dignitatum, ac alia juris remedia, si hujusmodi onus subire recusaverint, coerceant et compellant. De quorum quidem collectorum nominibus singuli episcopi supradicti et decani et capitulum reverendissimum patrem Eboracensem archiepiscopum ante ultimum diem mensis Maii proxime sequentis debite et distincte in scriptis certificare teneantur.

3. Item, Quod collectores hujusmodi quolibet dicti triennii anno sic constituti et deputati, constituendi vel deputandi, hujus sacri concilii auctoritate plenam habeant potestatem omnes et singulos infra suae collectionis praecinctum hujusmodi contributionis solutione onerandi, in loco idoneo convocandi, et eos reipsa singulis dicti triennii annis convocare teneantur ante vicesimum diem cujuslibet mensis Maii, illosque et eorum singulos ita convocatos et coactos monendum ut pecuniarum summas per eos solvendas ante xxviii<sup>um</sup> diem Junii tunc sequentis in aliquo loco commodo per dictos collectores assignando, infra collectionis suae limites plene et integre solvant.

4. Item volumus, concedimus, et ordinamus, quod quilibet collector (si ecclesiastica fuerit persona) ad hanc contributionem vel aliquam ejus partem colligendum deputatus aut deputandus, omnes et singulos huic contributioni obnoxios et personaliter vel in valvis ecclesiarum, seu locorum, pro quibus hanc contributionem solvere tenentur, sufficienter monitos et comparere ad dies praefixos et assignatos negligentes vel non solventes, seu solvere recusantes, aut ultra diem solutioni praefinitum differentes, per censuras ecclesiasticas suspensionis, excommunicationis aut interdicti, vel per sequestrationem et venditionem fructuum plenam solutionem faciendam efficaciter compellendi et coercendi, ac etiam eosdem plene et integre solventes seu satisfaciētes, a quibuscunque censuris, sententiis, et poenis in ipsos et eorum quemlibet in ea parte promulgatis et inflictis absolvendi, ac quemcunque processum contra non comparentes aut non solventes per eos factum revocandi et relaxandi, auctoritate praesentis convocationis sufficientem habeant potestatem.

5. Item volumus insuper, et praesentis convocationis auctoritate decernimus, quod omnes et singuli collectores (ut praefertur) deputati et deputandi, omnes et singulas pecuniarum summas collectas et levatas, seu quas recipere



potuerunt, et negligenter omiserunt, ante vicesimum cujuslibet Augusti mensis dicti triennii diem suis respective episcopis (sedibus plenis) et decanis et capitulis (sedium vacantium) sine aliqua monitione in ea parte eisdem collectoribus fienda, sub poena (si fuerint ecclesiastici) suspensionis, excommunicationis, aut interdicti, ac per sequestrationem et venditionem fructuum suorum beneficiorum et dignitatum, et (si opus fuerit) per deprivationem per eosdem episcopos (sedibus plenis) vel per decanum et capitulum (sede vacante) infligenda, totaliter et integre solvant, seu solvi curabunt, ab eisdem episcopis et decano et capitulo respective, quietantias idoneas pro summis hujusmodi solutis recipientes.

6. Proviso semper, quod quilibet collector ante vicesimum diem mensis Julii quolibet anno praedictorum trium annorum, dioecesanum suum episcopum (sede plena) et decanum et capitulum (sede vacante) de nominibus ad dies praescriptos integre non solventium certius faciet, et per juramentum suum fidem praestabit, quod ab illis summas debitas levare et colligere non potuerit, neque possit, licet diligentiam suam in ea parte adhibuerit, ac contra non solventes modo et forma praescriptis processerit, in eo casu volumus, quod hujusmodi collector coram dicto suo ordinario (sede plena) vel decano et capitulo (sede vacante) ad fidem et juramentum suum praestandum in ea parte admittatur. Et si nec auxilio et auctoritate episcopi (sede plena) vel decani et capituli (sede vacante) nec diligentia sua per juris remedia superscripta collector hujusmodi ante vicesimum diem mensis Augusti cujuslibet anni praedictorum trium annorum ab hujusmodi recusantibus vel differentibus summas debitas integre vel pro parte recuperare non possit; volumus et ordinamus, quod dictus collector vel totaliter vel pro ea portione, quam recipere non potuit, exoneretur, et liber dimittatur et acquietetur, et quod episcopus (sede plena) vel decanus et capitulum (sede vacante) respective per juramentum collectoris ita certiorati ad reverendissimum patrem Eboracensem archiepiscopum nomina omnium non

solventium vel solvere differentium, sub sigillo suo auctentico episcopali vel capitulari ante vicesimum diem mensis Septembris transmittet, sub poena sequestrationis vel deprivationis, arbitrio dicti reverendissimi patris cum consensu unius hujus provinciae episcopi per dictum reverendissimum patrem nominandi et accersendi infligenda; et quod dictus episcopus ita nominatus et per literas privatas manu dicti archiepiscopi subscriptas accitus comparere, et eidem archiepiscopo assistere, per omnia juris remedia per dictum archiepiscopum auctoritate hujus sacrae synodi compelli possit.

7. Item volumus et statuimus quod dictus reverendissimus pater omnes et singulos non solventes vel solvere differentes, dictis literis certificatoriis dicti episcopi (sede plena) vel decani et capituli (sede vacante) nominatos vigore hujus certificatorii (causa tamen [et] cognitione aliquali praehabita de veritate hujusmodi certificatorii) ab omnibus suis dignitatibus, praebendis, et beneficiis, pro quibus summas debitas non solverunt, privare et amovere per sententiam suam finalem et diffinitivam (omni appellatione remota), et pro amotis et privatis decernendi et declarandi auctoritate hujus sacri concilii provincialis plenam et sufficientem habeat potestatem et auctoritatem.

8. Item, auctoritate qua supra volumus ordinamus et statuimus, quod omnes provinciae Eboracensis episcopi (sedibus plenis) et decani et capituli (sedibus vacantibus) ante decimum diem Octobris singulis annis dictorum trium annorum omnes pecuniarum summas tam per episcopos ipsos respectu episcopatum, et per decanos et capitula intuitu ecclesiarum cathedralium (sedium vacantium) quam ab aliis quibuscunque hujus benevolae contributionis solutione oneratas, levatas, et collectas, cuicunque aut quibuscunque per serenissimam dominam Reginam ad hoc assignando vel assignandis sub suspensionis, excommunicationis, interdicti, fructuum sequestrationis, et venditionis, vel (si opus fuerit) privationis poena per dictum Reverendissimum Archiepiscopum cum

consilio et assensu duorum confratrum suorum hujus provinciae episcoporum, tam contra dictos episcopos quam contra ecclesias cathedrales et singulas earundem personas hujus contributionis solutione oneratas, infligenda, integre solvent vel solvi curabunt; et dictum archiepiscopum de integra summa soluta, et de acquietantia quacunque a receptore regio vel receptoribus regiis sic assignando vel assignandis ante vicesimum quintum diem ejusdem mensis Octobris auctentice una cum nominibus illorum omnium demum (?), a quibus summas debitas colligere non potuerunt sub poenis praedictis, certificabunt, seu certificari curabunt.

9. Et quia res cum suo onere transire debet, ordinamus et statuimus, quod si contingat dignitatum et beneficiorum praedictorum possessorem quemcunque (dicta contributione aut aliqua ejus parte non soluta) ab hac luce migrare, resignare, recedere, aut privari, quod tunc et in eo casu non solum successores in dignitatibus vel beneficiis hujus contributionis solutione oneratis per supradicta omnia superius in hisce ordinationibus provisiva remedia solvere et satisfacere compellantur; verum etiam quod executores et administratores eorundem sic decedentium (si opus fuerit) et ipsimet resignantes, recedentes, et deprivati, juxta ratam portionem fructuum, quae ad manus suas eo anno pervenerint, per omnia legitima juris remedia ad hujusmodi contributionem et quamlibet ejusdem portionem solvendam compelli possint.

10. Item volumus, statuimus, et ordinamus, pro efficaciori et expeditiori hujus contributionis collectione, quod episcopi dictae provinciae Eboracensis (sede plena) et decanus et capitulum (sede vacante) dignitatum et beneficiorum illorum omnium, qui ab hac luce (eadem contributione aut aliqua ejus parte non soluta) mortem obierint, resignaverint, cesserint, vel amoti aut privati fuerint, quamdiu eorum beneficia vacaverint, per sequestrationem et venditionem fructuum, et emolumentorum talium dignitatum, et beneficiorum ita vacantium,

integram contributionem, vel quamcunque ejus portionem non solutam levare et colligere auctoritate hujus convocationis licite valeant et possint; Quorum tamen conscientias oneramus ut (satisfactione secuta) quam primum sequestrationes ab hanc causam interpositas revocent, et cum effectu relaxent.

11. Volumus etiam et auctoritate hujus synodi decernimus et ordinamus, quod a censuris ecclesiasticis vel sententiis et decretis sequestrationum quibuscunque supra praemissis et per collectores vel episcopos (sedibus plenis) et decanum et capitulum (sedium vacantium) pronunciatis et promulgatis, nullus sit appellationi vel recusationi locus.

12. Item volumus, ordinamus, et statuimus, quod nullus collector praesentis contributionis recipiet pro aliqua acquietantia facienda ultra duos denarios, nec pro censuris ullis aut sententiis suspensionis interdictionis vel sequestrationis, et absolutione et relaxatione earundem aut earum cujusvis ultra summam duorum solidorum; Et quod quilibet collector infra praecinctum suae collectionis auctoritatem habeat compellendi apparitorem et apparitores ordinarios ejusdem praecinctus, ad monendos omnes et singulos hujus contributionis solutione oneratos ac onerandos, quoties occasio aut necessitas postulabunt.

13. Item hujus sacrae synodi auctoritate volumus et ordinamus, quod si imposterum aliquae dubiae ambiguitates, difficultates, aut querelae circa has ordinationes aut aliquem earundem articulum, vel circa modum aut formam collectionis hujus contributionis oriantur; tunc et in eo casu omnium hujusmodi dubiorum ambiguitatum difficultatum et querelarum interpretationes et declarationes fiant per reverendissimum in Christo patrem archiepiscopum Eboracensem et unum aliquem episcopum suffraganeum ejusdem; cujus quidem reverendissimi patris interpretationi et declarationi, ut praefertur, faciendae omnino stare et acquiescere auctoritate qua supra decernimus et declaramus.

Quibus quidem statutis decretis et ordinationibus publice perlectis, dictus magister Matthaeus Hutton, decanus et commissionarius antedictus, de consensu et assensu praefati magistri Willelmi Palmer, collegae sui praedicti, decrevit copias tam concessionis originalis hujusmodi benevolae contributionis et literarum regiarum patentium praedictarum, quam hujusmodi constitutionum et ordinationum reverendissimis patribus hujus provinciae episcopis dicti reverendissimi patris suffraganeis fiendas et eisdem respective mittendas.

## XC.

## THE LETTRE SENT TO THE THRE BYSSHOPPEs.

Our dueties unto your lordship remembred : In the convocation of the prelates and clergy of this province of Yorke, holden here the nynthe of this instante Marche (accordinge to our bounden dueties) with thadvyse and consente of your proctors or ther substitutes, we have not onely graunted unto her majestie a subsidy of six shillinges of every pounce of our ecclesiasticall promotions and lyvings in this province, payable in thre yeares ; the first payment to be due the seconde of October 1588 and so yerelie for three yeares space ; but also a contrybution or benevolence, unto her highnes' person onely, of thre shillinges of every full pounce of our said promotions and benefyces, to be lykewyse payd in thre yeares ; the firste payment to be due the first day of May next, and so yerelie for thre yeares ; unto the whiche graunt of benevolence her majestie hath not onely yeilded her royal assent withe acceptation and allowance therof, but also hath lycensed and aucthorysed us in our synode or convocation to ordayne, devyse, or make decrees and orders for the true collection and payment of the same, which we have done the xxiiij<sup>th</sup> of this instante Marche in our said provincyall synode (as by our first graunte her majesties letters patentes and orders, and statutes aforesaid, the several true copies wherof your



lordship shall herewith receyve, more at lardge and playnly appearethe). We pray your lordship to have suche care to the juste gatheringe and faythfull dischardging of these thinges due within your dyoces, as is requyred and loked for at all our handes, and as to our dueties towards so gracyous a soveraigne every way belongethe, to whome we are no ways able to yeilde what in good righte is due. Your lordship shall do well to appoynte clergiemmen to be collectors, suche as be knowne to be sufficient in knowledge and habylytie to undergoe this chardge, for so is used in thother province. So betakinge your good lordship to thalmyghty, we cease your trouble. Yorke this 24th of Marche 1586 (1587).

Your lordships assured in the Lord.

Matth. Hutton

Wm. Palmer.

cxxi. A Royal Writ summoned a Convocation for the Minster on 13th November, 1588; prorogued to the 5th February, 1589. On the 8th March it voted "*duo ultronea ac spontanea et voluntaria subsidia*" to the Queen. This Convocation sat on. till dissolved by Royal Writ on the 18th April, 1589.

cxxii. Another Convocation sat at York on 20th February, 1593, sitting in the Chapter House; it sat on the 6th, 16th, 23rd, 31st March, and 2nd April, when it voted a subsidy. It afterwards sat on the 6th and 20th of April.

cxxiii. A Royal Writ summoned Convocation for the 25th October, 1597, on which day Matthew Hutton, Archbishop of York, briefly expounded the reasons for this summons, viz.: the Queen's need of an Aid. This Convocation continued sitting to the 16th February, 1598. The Convocation of Canterbury at this time passed Constitutions, which were confirmed by the Queen, and issued under the Great Seal to both provinces, "*utrique provinciae, tam Cantuarensi quam Eboracensi, ut diligenter observentur promulgatae.*"

cxxiv. A Convocation was held on the 28th October, 1601, and on the 30th November granted Queen Elizabeth a subsidy. After the dissolution of the then sitting Parliament, Convocation was also dissolved by a special writ, dated 21st December, 1601.

### XCI.

The next Convocation, of which we have note, was convened on a Royal Writ from James I, on the 31st January, 1604. It sat also on the 20th March and 3rd April; then "de die in diem," with prorogations, down to the 6th July; then, by another Writ, from the 8th February to the 4th October, 1605. In this Convocation Constitutions for the better ordering of the Church were agreed to in the London session, and were issued under the Great Seal for both Canterbury and York.\* The heading of these Constitutions runs as follows:—

Constitutiones sive Canones ecclesiastici per episcopum Londinensem, praesidem synodi pro Cantuariensi provincia, ac reliquos episcopos et clerum ejusdem provinciae, ex regia auctoritate tractati et conclusi in ipsorum synodo inchoata Londini, anno salutis 1603, regnique serenissimi principis clementissimi domini nostri Jacobi, D. G. Angliae, Franciae, et Hiberniae regis primo et Scotiae tricesimo septimo; ab eadem regia majestate deinceps approbati, rati habiti ac confirmati, ejusdemque auctoritate sub magno sigillo Angliae promulgati per utramque provinciam tam Cantuariensem quam Eboracensem diligenter observandi.

Then follow 141 Canons or Constitutions, at the close of which a Proclamation is attached, to the effect that the King, by his "Supreme Authority in causes Ecclesiastical," establishes these Canons to be published in, and "observed executed and equally kept by all our loving subjects of this our Kingdom, both within the provinces of Canterbury and York."

cxxv. A Convocation sat from the 4th October to the 9th November; and was then prorogued to the 3rd

\* Wilkins, *Concilia*, IV, 380.

December, 1605. Then the Archbishop dying on the 15th January, 1606, another Royal Writ was issued, addressed to the "Custodians of the Spiritualities" of the See; and the Custodians, the Dean and Chapter of York, elected their Dean, John Thornborough (also Bishop of Bristol), to be President of Convocation, and sent to the King for his sanction to this election, asking, at the same time, that a fresh Writ for business in Convocation. Convocation sat on the 10th, 19th, to 21st February, 1606, then on the 5th March, when they elected Dr. Goodwin, Chancellor of York, to be Prolocutor.

## XCII.

Matthew Hutton, Archbishop, having died on the 5th January, 1606, and his successor, Toby Matthew, not having been enthroned, James I issued the following Writ to the Dean and Chapter of York. It is here given, as it shows that King James claimed the power of continuing a Convocation, though the Archbishop had died.

A WRIT FROM KING JAMES I ADDRESSED TO THE  
CUSTODIANS OF THE SPIRITUALITIES OF YORK  
DIOCESE, A.D. 1606.

Jacobus, Dei gratia Angliae, Scotiae, Franciae, et Hiberniae Rex, fidei defensor, etc., custodibus spiritualitatis Archiepiscopatus Ebor., sede archiepiscopali ibidem vacante, salutem. Cum nos per breve nostrum e cancellaria nostra xxxi<sup>o</sup> die Januarii, anno regni nostri Angliae Franciae, et Hiberniae j<sup>o</sup>, et Scotiae xxxvij<sup>o</sup> emanans, quibusdam arduis et urgentibus negotiis nos, securitatem et defensionem ecclesiae Anglicanae, ac pacem et tranquillitatem, bonum publicum, et defensionem regni nostri et subditorum nostrorum ejusdem concernentibus, Reverendissimo in Christo patri Matthaeo nuper Ebor. archiepiscopo Angliae primati et metropolitano modo defuncto, nuper mandavimus, quatenus praemissis debito intuitu attentis et ponderatis, universos et singulos episcopos Eboracensis provinciae ac decanos, capitula et collegia, totumque clerum cujuslibet dioeceseos ejusdem

provinciae ad comparendum coram praefato Matthaeo nuper Archiepiscopo in ecclesia metropolitana Sti Petri Ebor. xx<sup>o</sup> die Martii tunc proxime futuri, vel alibi prout melius expedire videtur, cum omni celeritate accommoda modo debito convocari faceret, ad tractandum consentiendum et concludendum super praemissis et aliis quae sibi clarius exponentur tunc ibidem ex parte nostra. Vigore cujus brevis nostri eadem Convocatio usque ix<sup>um</sup> diem Julii tunc proxime sequentis tenta et continuata ac post diversas prorogationes ad instantem xxij<sup>um</sup> diem Januarii prorogata fuerat, ibidem tunc tenenda et persequenda; cumque etiam praefatus Matthaeus Archiepiscopus nuper mortem objecit; Nos igitur praemissa considerantes vos in fide et dilectione, quibus nobis tenemini, rogando mandamus, quatenus vos, praemissis attentis et debito intuitu ponderatis, in negotiis hujusmodi debite procedatis, et omnia et singula quae ex parte praedicti Matthaei nuper Archiepiscopi vigore prioris brevis praedicti exequenda fuerint, et per ipsum aut per ejus in ea parte mandatum in vita sua minime executi, cum omni celeritate peragatis cum effectu, omniaque alia et singula quae in hac parte necessaria fuerint, seu quomodolibet opportuna, aut quae vestro in hac parte incumbunt officio, quam cito poteritis, faciatis et exequamini. Et hac sicut nos et statum regni nostri et honorem et utilitatem Ecclesiae praedictae diligitis nullatenus omittatis. Teste meipso apud Westmonasterium, xxij<sup>o</sup> die Januarii, anno regni nostri Angliae Franciae et Hiberniae iij<sup>o</sup> et Scotiae xxxix<sup>no</sup>.

Coppin.

cxxvi. On receipt of the King's Writ (Tuesday, 4th February, 1606) the custodians of the spiritualities of the Archbishopric now vacant, viz.: John [Thornborough], Bishop of Bristol and Dean of York; William Goodwin, S.T.P., Chancellor, being Canon residentiary of the Minster; Christopher Lindley, S.T.B., and William Thomas, A.M., Canons, and respectively Prebendaries of Tockerington, Lawthen en le Morthinge, and Bilton, made

a Chapter in the presence of John Atkinson, Notary, and Registrar of the Dean and Chapter of York, wherein the King's Writ was read, and the Custodians decided that they would proceed with the Convocation. They chose the Bishop of Bristol to be President, and fixed the date for the meeting. (*Acta Conv. Ebor.*, f. 194).

Accordingly, Convocation met on the 5th March, 1606 (*Acta Conv. Ebor.*, f. 67), and elected and presented to the President their Prolocutor, William Goodwin, S.T.P., and the House was prorogued till the following Friday. On that day (10th March) the Canterbury Constitutions or Canons were laid before them, as appears from the following passage taken from the *Acta* (f. 202).

### XCIII.

Quibus die et loco, etc., per venerabilem virum Willelmum Goodwin S. T. P. Prolocutorem publice lectis omnibus et singulis Canonibus sive Constitutionibus de quibus tractatum conclusum et consensus est per reverendum in Christo patrem et dominum dominum Ricardum [Vaughan] providentia divina nuper Londoniae Episcopum, praesidentem Convocationis provinciae Cantuariensis, et caeteros episcopos et clerum ejusdem provinciae de licentia speciali serenissimi domini nostri Regis, A.D. 1603, et postea per literas regias patentes publicatis confirmatis et observari mandatis, atque mature jam et antea examinatis et ponderatis, idem Reverendissimus pater episcopus et caeteri ejusdem Convocationis tunc comparentes unanimi eorum consensu et assensu praefatas Constitutiones ecclesiasticas ratificaverunt et firmiter observari in et per totam hanc provinciam Ebor. mandaverunt, prout per eorum decretum seu certificatorium tunc etiam publice perlectum latius constat et apparet : et nomina et cognomina eorum subscripserunt, cujus verus tenor sequitur et est talis :—

Whereas We, the Presydent and Clergie of the Convocation of the province of Yorke, authorized by His Majesties commission in this behalfe, have diligentlie



viewed and deliberated, [and] examined the Constitutions and Cannons ecclesiastical, treated concluded and agreed upon by the Reverend Father in God, Richarde, by God's providence late Bysshope of London, Presydent of the Convocation for the province of Canterburie, and the rest of the bysshopes and clergie of the same province, by His Majesties License in their Synode, began at London A.D. 1603, and since that published for the due observation always, by His Majesties authority under the greate Seale of England, and by His Majesties sayd authority commanded to be dyligentlie observed by all his subjectes of this realme of Englande within bothe Provinces of Canterburie and Yorke, in all poyntes wherein they do or may concerne everie or anie of them. We, His Majesties loyall subjectes furthering as much as is in us the honour and service of Almighty God, the peace of God's Church, and better government of the same; and fynding the sayd Constitutions and Cannons aforesaid fitt and requisite for the good of the Church to be observed within and throughout all the Province of Yorke, and yeildinge respectivelie in all poyntes to the Archbishop of Yorke, to every bysshope of the province of Yorke, and to his and their Chancellors, Commissaries, and other officers havinge ecclesiastical jurisdiction within the same province, such and the same authority as by force of these Cannons and Constitutions was and is severally attributed to the Archbysshoppe of Canterburie, to the bysshoppes and to others exercising ecclesiastical jurisdiction in that Province, do therfor decree and ordayne that all and singular the said Constitutions and Canons ecclesiastical, and the content of them and everie of them be for ever hereafter of full power, force, and authoritie within the Province of York, and be accounted and numbered among the Constitutions and Cannons of the Province of York. And that they and everie of them be from henceforthe duellie and dyligentlie observed executed and equallie kepte by all and singular persons, not onelie of the clergie but of the laytie, within

the Province of Yorke aforesaid, so far forth as it dothe or may concerne them and everie or anie of them, in ther severall functions degrees and states upon the perils and penalties therein expressed, and other censures ecclesiastical to be inflicted upon all and everie the transgressiones therof, accordinge to the measure and qualyty of ther offence. In testimonie wherof We, for ourselves and for the whole clergie within the Province of Yorke, lawfullie assembled and deputed in this behalf, have willinglie and *ex animo* subscrybed in this Schedule of parchment annexed to the Cannons and Constitutions, humblie prayinge the Kinges most excellent Majestie gracyouslie to accept our most humble duetie and service therein, and to give his Highnes Royall assent to the same.

#### PERSONS PRESENT AT THIS ACT.

The reverend father in God, John, Bysshoppe of Bristoll, presydent of the Convocation.

Mr. Dr. Goodwin, prolocutor thereof, proctor for the bysshoppes of Duresme and Carlile, and for the Chapter of this Church.

Mr. Bankes, another proctor for the same Chapter.

Mr. Harwood and Mr. Belwood, proctors for the clergie of the jurisdiction of the Deane and Chapter of this Church.

Mr. Parkinson, for Richmond, etc.

Mr. Dr. Colmer, Mr. William Morton, and Mr. Ribanke, proctors for them of the church and dioces of Durham.

Mr. Whitle, proctor for them of the church and dioces of Chester.

Mr. Lowther and Mr. Maplet, proctors for them of the Church and dioces of Carlile.

And Mr. Archdeacon Remyngton, Mr. Lyndley, and Mr. Nobson (?) and Mr. Nelson, proctors for them

of Southwell Church and Nottingham Arch-deaconry.

#### XCIV.

The following Writ, or Royal Letter Patent, was issued by King James I in 1606, and deals with the rights and limitations of Convocation in the matter of the making of Canons. This document was read in Convocation on the 5th March, 1605.

This document has been collated with an official copy, now in the Bodleian Library at Oxford, with this heading : " Our Convocation-Books being burnt in the dreadfull Fire I sent to York to search what Records are there of the proceedings of their Convocations for that province, and had this return as a specimen ; how little we may hope from them, that is considerable."

[*Acta Convocationis Ebor.*, p. 198].

James, etc. to all men to whom these presentes shall come Greetinge :—Whereas in and by an Act of Parliament made at Westminster in the 25th yeare of the reigne of King Henry VIII, recytinge that whereas the Kings humble and obedient subjects the clergie of the realme of England had not onely knowledge according to the truth, that the Convocation of the same clergie now always had beene, and ought to be, assembled onely by the Kings Writt, but also, submittinge themselves to the Kings Majestie had promised " in verbo sacerdotii " that they would never from thenceforth presume to attempt, alleadge, claime, or putt in ure, or inact, promulge, or execute, any new Cannons, constitutions, ordinances provincially, or other or by whatsoever other name they should be called in the Convocation, unlesse the Kings most royall assent and Lycense might to them be had to make, promulge, and execute the same ; And that the said King did give his most royall assente and auctority in that behalfe ; It was therefore enacted by the auctority of the said Parliament according to the said submission and petition of the said clergie amongst

other things, that they nor any of them from thenceforth should enact, promulge, or execute any such Cannons, Constitutions, or Ordinances provincially, by whatsoever name or names they might be called in this Convocation in tyme comeinge, which always should be assembled by the aucthority of the Kings writt, unless the said clergie might have the Kings most royall assent and Lycense to make, promulge, and execute such Cannons, Constitutions, and Ordinances provincially or synodally, upon paine of every one of the said clergie doing contrary to the said Act, and being thereof convict, to suffer imprisonment and make fyne at the Kings will. And further by the said Act is provided that noe Cannons, Constitutions, or Ordinances should be made or putt in execution within this Realme by aucthority of the Convocations of the clergie contrary or repugnant to the Kings prerogative royall, or the customes, lawes, or statutes of this Realme, anythinge in the same Acte contrarie thereof notwithstanding. And lastly it is also provided by the said Act that such cannons, constitutions, ordinances, and synodalls provincially, which then were already made, and which then were not contrarie or repugnant to the lawes statutes and customes of this Realme, nor to the damage or hurte of the Kings prerogative royall, should then still be used and excuted, as they were before the making of the said Act untill such tyme as they should be viewed, searched or otherwise ordered, or determynd by the persons mentioned in the said Act or the more part of them, according to the tenor forme and effect of the said Act, as by the said Act amongst divers other thinges more fully and at large it doth and may appeare. Know ye, that wee for divers urgent and waightie causes and considerations us thereunto speciallie moving, of our especiall grace, certen knowledge, and meere motion, by vertue of our prerogative royall, and supream aucthoritie in causes ecclesiasticall, have given and graunted, and by these presents do give and graunt full free and lawfull libertie, Lycense, power

and authoritie unto the Reverend father in God John [Thornborough], Byshop of Bristoll, and Deane of our metropolitall Church of St. Peter in our cyttie of Yorke, President of this present convocation for the province of Yorke for this present Parliament now assembled, and to the rest of the byshops of the same Province and to all deanes of cathedrall churches, archdeacons, chapters, and colleges, and the whole clergie of everie severall Dioces within the said province of Yorke, that they the said Byshop of Bristoll, President of the said convocation and the rest of the said byshops of the same Province or the greater number of them, whereof the President of the said convocation to be one, and the rest of the clergie of this present convocation, within the said Province of Yorke, or the greater number of them, shall think necessarie fitt and convenient, and may from tyme to tyme during this present Parliament conferre, treat, debate, consider consult and agree of and upon such Cannons, Orders, Ordinations, and Constitutions as the said Byshop of Bristoll President of the said Convocation and the said Byshopes of the said province or the greater number of them, whereof the Praesident of the said Convocation to be one, and the rest of the Clergie of this present Convocation within the said Province of Yorke or the greater number of them shall thinke necessarie fitt and convenient for the honor and service of almightie God, the good and quiett of the church, and the better government thereof, to be from time to time observed, performed, fulfilled, and kept as well by the archbyshops of York, the byshops and their successors, and the rest of the whole clergie of the said Province of York in their severall callings, offices, functions, ministeries, degrees, and administrations, as alsoe by all and everie Deane of the Arches, and other Judge of the said Archbishop's Courts, guardianes of spiritualties, chancelors, Deanes and Chaptors, Archdeacons, Commissaries, Officialls, Registers, and all and every other ecclesiasticall officers, and their inferior



ministers whatsoever, of the same Province of York, in their and every of their distinct Courts, and in the order, manner, and forme of their and every of their proceedings, and by all other persons within this Realme as far as lawfully being members of the church it may concerne them. And further to conferre, treatate, debate, consider, consult, and agree of and upon such other poyntes, matters, causes, and thinges, as we from time to time shall deliver or cause to be delivered unto the said bishop of Bristoll, President of the said convocation, in writeinge under our signe manuell or privie signet, to be debated, considered, consulted, and agreed upon ; the said statute or any other statute, Act of Parliament, Proclamation, provision or restraint heretofore had, made, provided, or sett forth, on the vacancy of the see of Yorke, or any other cause matter or thinge whatsoever to the contrary notwithstanding. And wee doe also by these presents give and graunt unto the said bishop of Bristoll, Praesident of the said convocation, and to the rest of the bishops of the said province of Yorke, and unto all Deanes of cathedrall churches, archdeacons, chapters and colleges, and the whole clergie of every severall Dioces within the said Province, full, free and lawfull libertie, lycense, power and authority, that they the said bishop of Bristoll, Praesident of the said convocation, and the rest of the said bishops of the same province, or the greater number of them, whereof the said Praesident of the said convocation to be one, and the rest of the clergie of this present convocation within the said province of Yorke or the greater number of them, all and every the said Cannons, Orders, Ordinances, constitutions, matters, causes and thinges, soe by them from tyme to tyme conferred, treated, debated, considered, consulted and agreed upon, shall and may sett downe in writeing in such forme as heretofore hath beene accustomed ; and the same so sett down in writeing to exhibit and deliver, or cause to be exhibited and delivered unto us, to the end that Wee upon mature consideration by us to be taken

thereupon may allow, approve, confirme and ratifie, or otherwise disallowe, annihilate, and make void such and so many of the said Cannons, Orders, Ordinances, Constitutions, matters, causes, and thinges soe to be by force of these presentes considered, consulted, and agreed upon, as wee shall think fitt requisite and convenient. Provided alwaies that the said Cannons, Orders, Ordinances, Constitutions, matters and thinges, or any of them soe to be considered, consulted or agreed upon as aforesaid, be not contrarie or repugnant to the doctrine orders and ceremonyes of the Church of England already established. Provided also and our expresse will, pleasure, and commandment is, that the said Cannons, Orders, Ordinances, Constitutions, matters, causes and thinges, or any of them, soe to be by force of these presents considered, consulted, or agreed upon, shall not be of any force effect or validitie in the law but onelie such and so many of them and after such time as Wee by our Lettres Patents under our greate Seale of England shall allow approve and confirme the same ; anythinge before in these presentes containd to the contrary thereof in any wise notwithstanding. In witnes whereof we have caused these our Letters to be made patents. Witnes ourselfe at Westminster the 18th day of Februarie, in the third year of our raigne of England Fraunce and Ireland, and of Scotland the nine and thirtieth,

Per ipsum regem

Coppin.

#### XCV.

After this the whole body of Canons or Constitutions ecclesiastical was read in Convocation, as they had been drawn up and agreed on by the Southern Convocation in 1603, and afterwards issued under the Royal Letters Patent. These were considered, and agreed to ; and the following decree or certificate was drawn up, signed, and read publicly :—

## TENOR DECRETI PRAEDICTI.

Whereas Wee the president and clergie of the Convocation of Yorke, authorised by his Majestie's Commission in this behalfe, have diligently viewed and deliberately examined the Constitutions and Canons Ecclesiasticall and every of them treated concluded and agreed upon by the reverend father in God Richard by God's providence late Bishop of London, president of the Convocation of the province of Canterbury, and the rest of the Bishops and clergie of the same province, by his Majestie's Lycense in their Synode begun at London, A.D. 1603, and since that published for the due observation thereof by his Majestie's authority under the Great Seal of England, and by his Majestie's said authority commanded to be diligently observed by all his subjects of this Realme of England within both provinces of Canterbury and York in all points, wherein they doe or may concerne every or any of them :—We his Majestie's loyall subjects furthering as much as in us lieth the honour and service of Almighty God, the peace of God's church, and better government of the same, and finding the said Constitutions and Cannons very fitt and requisite for the good of the Church to be observed within and throughout all the province of Yorke (yielding respectively in all points to the Archbishop of Yorke, to every bishop of the province of Yorke, and to his or their Chancellors, Commissarys, and other officers haveing ecclesiastical jurisdiction within the said province, such and the same authority as by force of those Canons and Constitutions was and is severally attributed to the Archbishop of Canterbury, to the bishopps, and to others exercising ecclesiastical jurisdiction in that province), doe thereby decree and ordain that all and singular the said Constitutions and Cannons ecclesiasticall and the contents of them and every of them, be for ever hereafter of full power force and authority within this province of Yorke and be accompted and numbered among the Constitutions and Cannons of

the province of Yorke ; and that they and every of them be from henceforth duly and diligently observed executed and equally kept by all and singular persons, not only of the clergie but of the laitie within the province of Yorke, soe far forth as it doth or may concerne them and every or any of them in their severall functions degrees and states, upon the perills and penalties therein expressed, and other censures ecclesiasticall to be inflicted upon all and every of the transgressours thereof, according to the measure and qualitie of their offence. In Testimony whereof wee ourselves, and for the whole clergy within the province of Yorke lawfully assembled and deputed in this behalfe, have willingly and *ex animo* subscribed in this schedule of parchment annexed, to the Cannons and Constitutions : humbly praying the King's most excellent Majestie graciously to accept our most humble dutie and service therein, and to give his highnes' royall assent to the same.

PERSONS PRESENT AT THIS ACT.

The reverend father in God John, Bishop of Bristol, President of the Convocation.

Mr. Dr. Goodwin, Prolocutor thereof, proctor for the bishop of Durham and Carlisle, and for the Chapter of this church.

Mr. Banks, another proctor for the same chapter.

Mr. Harwood and Mr. Belwood, proctors for the clergy of the jurisdiction of the Dean and chapter of this church.

Mr. Parkinson for Richmond, etc.

Mr. Dr. Colmer, Mr. William Morton and Mr. Ribank, proctors for them of the church and dioces of Durham.

Mr. Whittle, proctor for them of the church and dioces of Chester.

Mr. Lowther and Mr. Maplet, proctors for them of the church and dioces of Carlisle.

And Mr. Archdeacon Remington, Mr. Lindley, Mr. Nobson (?), and Mr. Nelson, proctors for them of Southwell church and Nottingham archdeaconry.

16 in n<sup>o</sup>.

NOMINA COMPARERE DEBENT IUM IN SYNODO SIVE CONVOCATIONE PROVINCE EBORACENSIS, A.D. 1605.

Archiepiscopus Eboracensis.

Episcopus Dunelmensis. }

Episcopus Carliolensis. }

Episcopus Cestrensis. }

Episcopus Sodorensis. }

Decanus Eboracensis. }

Decanus Dunelmensis. }

Decanus Carliolensis. }

Decanus Cestrensis. }

Archidiaconus Eboracensis. }

Archidiaconus East Ryding. }

Archidiaconus Cleaveland. }

Archidiaconus Nottinghamiæ. }

Archidiaconus Dunelmensis. }

Archidiaconus Northumbriæ. }

Archidiaconus Cestrensis. }

Archidiaconus Richmondiæ. }

Archidiaconus Carliolensis. }

Archidiaconus Sodorensis. }

Clerus Archidiaconatus Eboracensis. }

„ „ East Ryding. }

„ „ Cleavelandiæ. }

„ „ Nottinghamiæ. }

„ „ Dunelmensis. }

„ „ Northumbriæ. }

„ „ Carliolensis. }

„ „ Cestrensis. }

„ „ Richmondiæ. }

Clerus Jurisdictionis particularis Decani et Capituli Eboracensis.



Clerus Jurisdictionis Capituli Suthwellensis.

Custos Jurisdictionis peculiaris de Howden et  
Howdenshire.

Custos Jurisdictionis peculiaris de Allerton et  
Allertonshire ad Episcopatum Dunelmensem spec-  
tantis.

Clerus Jurisdictionis de Howden.

Clerus utriusque Jurisdictionis de Allerton et  
Allertonshire praedictis.

ccxvii. From 1603 to 1610 the Convocation of Canterbury sat from time to time, drew Canons to the number of 36, which were also duly passed by the Northern House, with slight demur. The Canterbury copy of these Constitutions or Canons of Bishop Overall\* has the following paragraphs. The first of them was signed by Archbishop Laud :—

1. The said xxxvi Chapters, with the Constitutions made upon them, have been diligently read and deliberately examined, and thereupon have passed with one consent both the Convocation Houses, and so are approved.

W. Cant.

2. The said xxxvi Chapters, with the Constitutions made upon them, have been diligently read and deliberately examined, and thereupon have likewise passed with one accord in the Convocation House of the Province of York.

Jo. Bristol, praeses Convocationis Ebor.†

Guil. Goodwin prolocutor.

Christopher Lyndley.

Leo. Lowther.

Tho. Dodson.

Ri. Harwood.

\* *Bishop Overall's Convocation Book*, p. 11.

† To this signature Archbishop Laud appends the following note :—" This was the new Bishop of Worcester, Dr. Thornborough, 1640, who was then Bishop of Bristol and Dean of York,"

Clement Colmore.  
H. Swinburne.  
Edward Maplet.  
Richard Snowden.  
Rob. Whittell.  
Hen. Bankes.  
Hen. Ribank.  
Chr. Nelson.  
Richard Slater.  
Roger Bellwood.

## XCVI.

James I, on the death of Matthew Hutton, Archbishop of York (15th January, 1606), issued the following Writ, addressed to the Dean and Chapter of York :—

Jacobus Dei gratia Angliae, Scotiae, Franciae et Hiberniae Rex, fidei defensor, etc., custodibus spiritualitatis Archiepiscopatus Eboracensis, sede archiepiscopali ibidem vacante, salutem. Cum nos per breve nostrum e cancellaria nostra 31<sup>o</sup> die Januarii, anno regni nostri Angliae Franciae et Hiberniae primo, et Scotiae tricesimo septimo (1603) emanens, quibusdam arduis et urgentibus negotiis nos securitatem et defensionem ecclesiae Anglicanae ac pacem et tranquillitatem bonum publicum et defensionem regni nostri et subditorum nostrorum ejusdem concernentibus, reverendissimo in Christo patri Matthaeo nuper Eboracensi Archiepiscopo, Angliae primati et metropolitano, modo defuncto, nuper mandavimus quatenus praemissis debito intuitu attentis et ponderatis universos et singulos episcopos Eboracensis provinciae ac decanos ecclesiarum cathedralium, necnon Archidiaconos, capitula et collegia totumque clerum cujusdem dioeceseos ejusdem provinciae ad comparendum coram praefato Matthaeo nuper Archiepiscopo in Ecclesia metropolitana S. Petri Eboraci 20<sup>o</sup> die Martii tunc proxime futuri vel alibi prout melius expedire videtur cum omni celeritate accommoda modo debito convocari faceret ad tractandum consentiendum et concludendum

super praemissis et aliis quae sibi clarius exponuntur tunc ibidem ex parte nostra ;—vigore cujus brevis nostri eadem Convocatio usque nonum diem Julii tunc proxime sequentis tenta et continuata, ac post diversas prorogationes ad instantem vicesimum secundum diem Januarii prorogata fuerat ibidem tunc tenenda et persequenda ; Cumque etiam praefatus Matthaeus Archiepiscopus nuper mortem obiecit ; Nos igitur praemissa considerantes vos in fide et dilectione quibus nobis tenemini rogantes mandamus, quatenus vos, praemissis attentis et debito intuitu ponderatis, in negotiis hujusmodi debite procedatis, et omnia et singula quae ex parte praedicti Matthaei nuper Archiepiscopi vigore prioris brevis praedicti exequenda fuerint, et per ipsum aut per ejus in ea parte mandatum in vita sua minime executum, cum omni celeritate peragatis cum effectu, omniaque alia et singula quae [in] hac parte necessaria fuerant, seu quomodolibet opportuna, aut quae vestro in hac parte incumbunt officio, quam cito poteritis, faciatis et exequamini. Et hoc sicut nos et statum regni nostri ac honorem et utilitatem ecclesiae praedictae diligitis nullatenus omittatis. Teste meipso apud Westmonasterium 22<sup>o</sup> die Januarii anno Regni nostri Angliae Franciae et Hiberniae tertio, et Scotiae tricesimo nono.

Coppin.

#### XCVII.

[Wilkins, IV, 426, and Trevor, *Two Conv.*, 99].

Die Martis iv. viz. die mensis Februarii A. D. juxta cursum et computationem ecclesiae Anglicanae 1605-6, in domo capitulari ecclesiae cathedralis et metropoliticae S. Petri Ebor., hora ibidem consueta, coram reverendis viris in Christo patre et domino Domino Johanne providentia divina Bristoliae episcopo, Decano, Willelmo Goodwin S.T.P. cancellario, canonicis residentiariis dictae ecclesiae, custodibus spiritualitatis archiepiscopatus Eboracensis, modo per mortem bonae memoriae Domini Matthaei Hutton nuper ejusdem sedis

archiepiscopi vacantis, Christophero Linley S.T.B., Willelmo Thomas, A.M., canonicis etiam dictae ecclesiae et praebendariis praebendarum respective de Tockerington, Lawthen in le Morthinge, et Bilton, in dicta ecclesia capitulanter congregatis et . . . . capitulum facientibus, in praesentia mei Johannis Atkinson notarii, ac decani et capituli ejusdem ecclesiae registrarii, exhibitum fuit breve serenissimi in Christo principis et domini nostri Jacobi D. G. Angliae Scotiae Franciae et Hiberniae regis F. D., etc., ad procedendum in synodo provinciali seu convocatione praelatorum et cleri provinciae Ebor., custodibus spiritualitatis Archiepiscopatus Ebor., sede archiepiscopali ibidem vacante, directum. Quod cum omnibus reverentia obedientia et subjectione debitis praefati custodes spiritualitatis ejusdem archiepiscopatus vacantis recesserunt, quo per me ex eorum mandatis publice perlecto, iidem custodes decreverunt procedendum fore in dicta Convocatione secundum vim tenorem et effectum dicti brevis regii et in . . . . dicti custodes spiritualitatis dicti archiepiscopatus Ebor. vacantis virorum consensu . . . . ut prius congregati, nominaverunt eligerunt assignaverunt deputaverunt, et constituerunt . . . . reverendum patrem Johannem Bristoliae Episcopum, Decanum dictae ecclesiae, in Praesidem sive praesidentem Convocationis praelatorum et cleri provinciae Ebor., et decreverunt electionem serenissimo domino nostro regi debito . . . . faciendum cum requisitione et supplicatione regiae sanctae majestati facienda pro ejus regio consensu eidem electioni adhibendo et quo literis suis regiis commissionalibus ad ulterius in dicta Convocatione pro bono ecclesiae dictae Ebor. provinciae tractandum concludendum et faciendum; Et ulterius assignaverunt ad convocandum clerum ejusdem provinciae seu procuratores pro eisdem in suis vicibus comparentes, ad comparendum die Lunae proximo futuro (10 February 1605-6) ad ulterius faciendum et tractandum quod natura et qualitas dictae Convocationis exigunt et requirunt.

cxxviii. On the 9th April, 1606, Convocation voted, for the defence of the kingdom and dominions of the King, and for their duty "observantia et obsequio," towards the "sublimity of our Lord the King," four "voluntary spontaneous and willing subsidies." The Convocation was then prorogued to the 19th November, by a letter from John Thornborough, Bishop and President, and then, after this, by a Royal Writ addressed to Archbishop Toby Matthew, who in this year was translated to York from Durham; it was continued to 2nd March, and finally to the 10th April, 1607.

cxxix. In 1607 Convocation sat from the 10th April to the 17th November, thence to 11th February, 1608; thence to the 28th October, and to the 10th February, 1609. Either this same Convocation or a new one went on, prorogued to the 10th November, and thence to the 10th February, 1610. The Archbishop, being in Parliament, gave a Commission to John Phillips, Bishop of Sodor, to be President. This Convocation voted 6s. in the £ to the Crown.

cxxx. A Convocation sat on the 6th April, 1614, and was dissolved on the 15th June.

cxvxi. Another sat on the 17th January, 1621, and voted a subsidy of 4s. in the £; it was dissolved on the 27th February, 1622.

### XCVIII.

cxvxi. A Convocation sat on the 13th February, 1624, and issued the following letter for the protection of Thomas Mallory,\* who appears to have been in danger of being impleaded or molested. On the 9th March, 1624, Henry Cooke, S.T.P., one of the Commissioners of the Archbishop of York, after the reading of his commission, read aloud the following schedule, vindicating the privileges of members of Convocation, and freeing Thomas Mallory, Dean of Chester, from suits brought against him at that time by his creditors. This document is here printed, as it illustrates the privileges of Convocation:—

To all true Christian people to whom these presentes shall come, Greeting in our Lord God everlasting.

\* Archdeacon of Richmond, and in 1607 made Dean of Chester.



WHEREAS the prelates and clergie within the province of Yorke were lately summoned by vertue of his Majesties writt to appeare at the Convocation holden in the Chappiter house within the cathedrall and metropolitically church of St. Peter's in Yorke aforesaid upon the 13th day of Februarie last past ; and because in former tymes the prelates and clergie aforesaid so called to the Convocation and their servantes and familiars that came with them were oftentimes arrested molested or inquieted ; it was gratusly provided for the securitie and quietnesse of the said clergie by Acte of Parliament in 8 Hen. VI, c. 1, that the clergie at any tyme after to be called to the convocation by the Kinges writ, and their servantes and familiars, shall for ever hereafter fully use and enjoy such libertie or defence in comming tarrying and returning, as the Greate Men and Commons of the realme have, or are wont or ought to enjoy, which are called to the Parliament ; as by the said Statute doth and may appeare ; and lastly, whereas we are credibly informed that Mr. Thomas Mallorie, Clarke, Deane of the Cathedral Church of Chester, is at this instant much molested with divers persons, or some one at the least, with troublesome suites of lawe, so that he is thereby hindered for [*sic*] attendinge his Majesties service at the convocation now at Yorke depending ; These are therefore to certify all and everyone, whome these presentes may any waies concerne, upon the earnest petition and supplication of the said Thomas Mallory, Deane of Chester aforesaid, that upon search and viewe of the recordes of the convocation now depending for the province of Yorke aforesaid, Wee finde that the said Thomas Mallory did appeare at the convocation aforesaid upon the 13th day of February last past by his lawfull proctor, and was and is a member of the said convocation, presuming that upon notice hereof no person or persons whatsoever will attempte to sue or molest him the said Thomas Mallory during the dependence of the said convocation ; and herewithal intimating that if any, notwithstanding the premisses,

should moleste, trouble, or impleade him the said Thomas Mallory, upon just complaint thereof by him unto the convocation aforesaid, he or they soe offendinge shalbe convented (*sic*) before the authoritie of the convocation aforesaid to undergoe condigne punishment for their high contempt in goeing about to infringe the liberties and immunities so gratusly granted unto the clergie aforesaid, and thereby hindering his majesties present service.

In witnes whereof We have hereunto set our hands and archiepisopall seale at the manor of Bishopthorpe the 21st day of March, 1623 (1624).

cxxxiii. A Convocation was held on the 13th May, 1624, and voted four subsidies to the King; it was prorogued to the 21st April, 1625, but never sat, because of the King's death on the 27th March, 1625.

#### XCIX.

[Wilkins, *Concilia*, IV, 470].

In 1625 there were two Convocations, (1) from the 18th May, 1625,\* to the 20th June; and (2) sitting on the 1st March, 1625-6. In this Convocation the President *pro hac vice*, Dr. John Scott, S.T.P.,† laid before the assembly the following question for discussion and ventilation, on the 22nd March, 1625-6:—

Tunc et ibidem Dominus venerabilis vir Johannes Scott S.T.P. Praesidens pro hac vice in Convocatione sive Synodo praedicta de consensu collegarum suorum in hac parte hujusmodi quaestionem per totam Sinodum sive Convocationem tunc et ibidem congregatam publice discutiendam et ventilandam proposuit, viz. :

An quispiam per viam deputationis, procuratorii, vel alias, alicui personae ecclesiasticae vices suas committere plenamque potestatem concedere possit aut valeat, ad comparendum pro se in Convocatione sive

\* Or 13th May; the date is uncertain. Trevor (*Two Convocations*, 97) dates it 23rd April, 1625.

† Prebend of York (Tockerington), and Dean of York, February, 1625; he died in the King's Bench in 1644.

Synodo praedicta, reliquaque in ex parte necessaria expediendo, quae tempore deputationis sive procuratorii praedicti sic, ut praemittitur, facti, non fuerit pars nata Convocationis sive Synodi praedictae, vel alias pro parte sive membro ejusdem legitime electi; ita quod persona sic deputata sive constituta pro parte sive membro Convocationis sive Synodi praedictae haberi debeat vel non?

Quae controversia sic proposita multis diebus prius pensatis, ac diligenti et matura deliberatione praehabita, dictus venerabilis vir Johannes Scott S.T.P. Praesidens antedictus de et cum consensu collegarum suorum in hac parte ac reliquorum omnium in dicta Convocatione sive Synodo interessentium, ac suffragia in ea parte habentium, nemine reclamante sive dissentiente declaratione futuris temporibus perpetuo valetura con[sen]serunt prout sequitur:—neminem scilicet auctoritatem sive potestatem habere nominandi, eligendi sive constituendi aliquem personam extraneam deputatam commissarium sive procuratorem suum, ad comparendum pro se in Convocatione sive Synodo praedicta, reliquaque in ea parte necessaria expediendo, qui tempore deputationis commissionis sive procuratorii sui praedicti sibi in ea parte, sic ut praemittitur, facti, non fuerit pars nata Convocationis sive Synodi praedictae vel alias pro parte sive membro ejusdem legitime electa; nullamque personam extraneam, sic ut praemittitur utrumque de facto nominatam electam sive constitutam, pro parte sive membro Convocationis sive synodi praedictae acceptari aut jus suffragii decisivi in eadem aut aliquo negotio eandem tangente habere.

This Convocation was prorogued to the 26th April, 1626, thence to the 28th June, and finally, on a Royal Writ, dissolved, with consent of his colleagues, by Henry Wickham (Archdeacon of York from 1624–1640).

cxxxiv. In consequence of the death of Archbishop Toby Matthew, on the 29th March, 1628, Convocation,

though summoned for the Tuesday in Holy Week, never sat. The King directed his Writ to the "Custodians of the Spiritualities," and, in obedience to it, a Convocation met on the 19th May, 1628, and voted five subsidies of 4s. in the £. It was eventually prorogued to the 21st October, 1628.

A new Convocation (says Wilkins, IV, 476) was summoned on a Royal Writ addressed to Samuel (Harsnett),\* now Archbishop of York. It sat on the 10th February, 1629, and again on the 26th February. This Convocation issued letters of protection against prosecutions for Ferdinand Morecroft, Prebendary of Durham; for Gabriel Clark, Archdeacon of Durham; for Richard Hunt, S.T.P., Dean of Durham; for John Cosin, S.T.P., Archdeacon of the East Riding; and William James, Prebendary of Durham. The Convocation was dissolved under a Royal Writ by Henry Wickham, on the 22nd of March, 1629.

cxxxv. There is no record of an active meeting of Convocation from early in 1629 to 1640. The *Acta Convocationis Ebor.* show us how this blank occurred. The first volume runs from 1545 to 1629, and the second volume begins in 1640; so that there appear to have been no records kept between 1629 and 1640. In this latter year, in May and June, a body of Constitutions and Canons was agreed to, after licence for the same had been received from the King. This form of licence is here given, and the names of all members of the Northern Convocation inserted.

### C.

[*Acta Convocationis Ebor.*, II] (this volume is not paged).

#### A ROYAL WRIT ADDRESSED TO THE ARCHBISHOP OF YORK AND THE CONVOCATION.

Charles R.

Most Reverend father in God, right trusty and right entirely beloved Councillor, Right Reverend father in God, right trusty and welbeloved [and trusty and wel-

\* Samuel Harsnett was Bishop of Chichester in 1609, of Norwich in 1619, and Archbishop of York in 1628.

beloved] Wee greete you well. Whereas Wee understand by you the Lord Archbishop of Yorke, that you have conferred and agreed amongst your selves to represent unto us your humble and hartly service and good affection towards us, by an extraordinary Contribution and Benevolence to be graunted to us by our whole Clergy of that our Province, Wee have therefore thought fitt by these our letters to will and require you according to the power given unto you by us under Our great Seale to finish and perfect the said Concession. And alsoe to make and ordaine such divers Canons or Constitutions for the collecting levying paying and accompting of the said Concession, as in your wisdoms shalbe thought fitt for the better speeding of the same. And these our letters shalbe your sufficient warrant and discharge in this behalfe. Given under our Signett at our Palace of Westminster 22nd May, in the 15th yeare of our Reigne (1640).

To the most reverend father in God our  
 right trusty and right entirely beloved  
 Counsellor the Lorde Archbp. of Yorke,  
 Primate and Metropolitan of England :  
 To the right Reverend fathers in God  
 the Lords Bishoppes and to our trusty  
 and welbeloved the rest of the Clergye  
 now assembled in Convocation in our  
 Province of Yorke. }

The roll of members of the York House is here given from the *Acta Convocationis Ebor.*

Nomina Praelatorum et Cleri Provinciae Eboracensis comparentium seu comparere habentium in Convocatione sive Synodo Provinciali Praelatorum et Cleri vigore brevis Regii in Domo Capitulari Ecclesiae Cathedralis et Metropolitanae S. Petri Ebor. 14<sup>mo</sup> Aprilis A.D. 1640.

Thomas [Morton] Episcopus Dunelmensis per Magistrum Josephum Naller, S.T.P. [Nailer].



Johannes [Bridgman] Episcopus Cestrensis per Mag.  
Phineam Hodson, S.T.P.

Barnabas [Potter] Episcopus Carliolensis per Mag.  
Lancelotum Dawes, S.T.P.

Richardus [Parr] Episcopus Sodorensis comparuit personaliter.

Decanus Eboracensis [John Scot, S.T.P.]\* per Mag.  
Guilielmum Easdall, LL.D.

Mandatum originale dicto Decano et Capitulo dictae  
Ecclesiae directum per Mag. Johannem Ranson  
(Notarium).

Decanus Dunelmensis per Mag. Gabrielem Clarke, S.T.P.

Decanus Cestrensis per Mag. Henricum Wickham, S.T.P.

Decanus Carliolensis per Mag. Phineas Hodson, S.T.P.

Decanus Ecclesiae Collegiatae de Ripon per Mag.  
Ricardum Marsh, S.T.P., et Timotheum Calverley,  
LL.D.

Archidiaconus Eboracensis [Henr. Wickham] Mag.  
comparuit personaliter.

Archidiaconus Nottingham [Wm. Robinson, S.T.P.] per  
Mag. Georgium Stanhope, S.T.P., et Edwardum  
Mottershed, LL.D.

Archidiaconus Estrydinge [J. Cosin, S.T.P.] per Mag.  
Edwardum Mottershed, LL.D.

Archidiaconus de Cleveland [J. Neile, S.T.B.] comparuit  
personaliter.

„ Dunelmensis [G. Clark, S.T.P.] comparuit  
personaliter.

„ Northumbriae [E. Gower] per Mag.  
Gabrielem Clarke.

„ Cestrensis personaliter.

„ Richmondiae [Wm. Knight, LL.D.], nullo  
modo.

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\* Dean Scot died in the King's Bench Prison in 1644.

Archidiaconus de Carliolensis [J. Singleton] per Mag.  
Lancelotum Dawes, S.T.P.

„ Insulae de Mona, nullo modo.

Capitulum Eboracense per Mag. Phineam Hodson,\*  
S.T.P.

Capitulum Dunelmense per Mag. Josephum Nailer,†  
S.T.P.

Capitulum Cestrense per Willelmum Bispham,‡ S.T.B.

Capitulum Carliolense per Mag. Lancelotum Dawes,§  
S.T.P.

Capitulum Ecclesiae Collegiatae de Ripon per Mag.  
Johannem Favor clericum.

Capitulum Ecclesiae Collegiatae B. M. V. de Southwell  
per Mag. Thomam Benson,|| S.T.P.

Clerus Archidiaconatus Ebor., per Mag. Georgium  
Riddell, LL.D., et Henricum  
Aiscough, clericum.

„ „ Nottingham per Mag. Ed-  
wardum Mottershed, LL.D., et  
Franciscum Wittington¶ clericum.

„ „ Estrydinge per Mag. Edwar-  
dum Mottershed, LL.D., et  
Richardum Perott,¶ S.T.B.

„ „ Cleveland, per Mag. Willelmum  
Berman clericum, Ricardum  
de Brandsby, et Thomam  
Squire, Clericum Ricardum de  
Eskrigge.

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\* Phineas Hodgson was Chancellor of York.

† Joseph Naylor was Prebendary of Durham.

‡ A Prebendary of Chester.

§ L. Dawes was Prebendary of the First Stall, Carlisle.

|| Prebendary of Southwell.

¶ Prebendary of York.

Clerus Archidiaconatus Dunelmensis per Mag. Ferdinandum Merecroft, A.M., et Magister Willelmus James, clericus, A.M., altero procuratorum in procuratorio praedicto nominatus non comparuit.

„ „ Northumbriae per Mag. Yelveredam Alvey,\* S.T.B., et Thomam Triplett,† S.T.B., clericum.

„ „ Cestrense per Mag. Byrom, S.T.P., et Johannem Ley‡ clericum.

„ „ Richmondiae per eosdem.

Clerus dioceseos Carliolensis per Mr. Lancelotum Dawes, S.T.P., et Willelmum Richardson clericum.

Clerus Archidiaconatus Insulae de Mona per Mr. Samuelem Hyndeson (?), S.T.B.

Clerus Jurisdictionis peculiaris Decani et Capituli Ebor. per Mr. Willelmum Easdall, LL.D.

Clerus jurisdictionis peculiaris Capituli ecclesiae Collegiatae de Southwell per M. Johannem Neile, S.T.B., et Georgium Barlowe clericum.

Commissarius peculiaris Jurisdictionis de Howden et Howdenshire nullo modo.

Custos peculiaris Jurisdictionis de Allerton et Allertonshire ad dominum Episcopum Dunelmensem spectantis per M. Hutton clericum.

Custos peculiaris jurisdictionis de Allerton et Allertonshire ad Decanum et Capitulum Dunelmensem spectantis.

\* Yelvered or Yeldard Alvey was Vicar of St. Nicholas', Newcastle, from 1638, was deposed in 1644, Oct. 19; he died in March, 1648.

† Prebendary of Durham.

‡ Prebendary of Chester.

Clerus peculiaris Jurisdictionis de Howden et Howdenshire  
per Carver clericum.

Clerus peculiaris Jurisdictionis de Allerton et Allertonshire  
per M. Hutton clericum.

Magister Willelmus James\* alter procurator nullo modo  
comparuit.

On the 26th of June, 1640, Convocation laid down in detail the manner of levying the subsidy, and the amounts of contribution. In the second volume of the *Acta* (which is not paged in the MS.) we read "Every parson within the Province of Yorke, whose parsonage is Ten pounds in the King's Bookes and under xx<sup>li</sup> shall pay xij*d.*, and if it be xx<sup>li</sup> and under xxx<sup>li</sup> he shall pay iis., and if xxx<sup>li</sup> or above he shall pay iijs. And every Vicar whose vicarage within the said province is x<sup>li</sup> in the King's Bookes and under xx<sup>li</sup> shall pay vi*d.* and if it be xx<sup>li</sup> and under xxx<sup>li</sup> he shall pay xi*d.*, and if xxx<sup>li</sup> or above he shall pay iis., and noe more, unto the said Actuary Apparitor and other officers, or to some other in that behalfe appointed upon demand thereof to be distributed amongst them by the said Lord Archbishop President and Mr. John Wickham, Prolocutor of the Convocation at their good discretion."

This done, the Crown speedily dissolved Convocation, as follows :—

# CI.

Quorum quidem Brevis Regii de Convocatione dissolvenda et Schedulae Dissolutionis ejusdem tenoris sequuntur et sunt tales, viz. :—

Carolus D. G., etc., Richardo D. G. Eboracensi Archiepiscopo, Angliae primati et metropolitano salutem. Cum praesens Convocatio Cleri vestrae Eboracensis Provinciae apud ecclesiam Metropolitica[m] S. Petri Eboracensis, vel alibi prout melius expedire videretur, de mandato nostro per breve nostrum nuperrime inchoata et celebrata, usque ad et in instantem vicesimum sextum diem Junii continuata fuerat ibidem tunc tenenda et

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\* Probably Prebendary of the 12th Stall at Durham.

prosequenda :—Certis tamen urgentibus causis et considerationibus nos specialiter moventibus de avisamento et assensu Concilii nostri ipsam praesentem Convocationem vestram hoc instanti die duximus dissolvendam. Et ideo vobis mandamus quod eandem praedictam Convocationem nostram apud Ecclesiam Metropolitica[m] S. Petri Eboracensis vel alibi prout melius expedire videbitur, debito modo absque aliqua dilatione dissolvatis, dissolve faciat[is], prout convenit, significantes de parte nostra universis et singulis Episcopis, necnon Decanis Archidiaconis et omnibus aliis personis ecclesiasticis quibuscunque dictae Eboracensis Provinciae quorum interest aut interesse poterit in hac parte, quod ipsi et eorum quilibet huic mandato nostro exequendo intendentes sint et obediens prout decet. Teste me ipso apud Westmonasterium xxvj<sup>o</sup> die Junii, anno regni nostri xvi<sup>o</sup>.

Willys.

Reverendissimo in Christo patri et fideli consiliario nostro Richardo Eboracensi Archiepiscopo, Angliae primati et metropolitano de Convocatione dissolvenda.

Willys.

And the following was the Archbishop's consequent action, dissolving this Convocation.

In Dei Nomine, Amen. Nos Richardus providentia divina Eboracensis Archiepiscopus, Angliae primas et Metropolitanus, Praeses hujus sacrae Synodi sive Convocationis provincialis Praelatorum et Cleri totius Provinciae Eboracensis rite et legitime procedentes, virtute Brevis Regii nobis in hac parte directi, cum omni obedientia debita jussu Illustrissimi Domini nostri Regis Caroli (penes quem solum potestas est et convocandi et solvendi Synodos, sive provinciales sive nationales infra regna sua) praesentem Synodum sive Convocationem Eboracensem dissolvimus ac pro sic dissoluta[m] vigore Brevis Regii praedicti habemus et haberi volumus in his scriptis, hoc ipso die Veneris viz<sup>t</sup>. 26 Junii, A.D. 1640.

R. Ebor.



## CII.

[Wilkins, *Concilia*, IV, p. 543].

The Constitutions drawn up in this Convocation were issued with a long Royal Writ, dated 30th June, 1640, and headed :—

“Constitutions and canons ecclesiastical, treated upon by the archbishops of Canterbury and York, presidents of the Convocations for the respective provinces of Canterbury and York, and the rest of the bishops and clergy of those provinces, and agreed upon with the King’s majesty’s licence in their several synods begun at London and York, 1640, in the year of the reign of our sovereign lord Charles, by the grace of God King of England, Scotland, France, and Ireland, the sixteenth; and now published for the due observation of them by his majesty’s authority under the Great Seal of England.”

Charles, by the grace of God King of England, Scotland, France, and Ireland, F. D., etc., to all to whom these presents shall come greeting. Whereas our bishops, deans of our cathedral churches, archdeacons, chapters and colleges, and the other clergy of every diocese within the several provinces of Canterbury and York, being respectively summoned and called by virtue of our several writs to the most reverend father in God, our right trusty and right well-beloved counsellor William [Laud] by divine providence lord archbishop of Canterbury, primate of all England, and metropolitan, and to the most reverend father in God, our right trusty and well-beloved counsellor Richard [Neile] by divine providence lord archbishop of York, primate and metropolitan of England, respectively directed, bearing date the 20th day of February, in the 15th year of our reign, to appear before the said lord archbishop of Canterbury in our cathedral church of St. Paul in London, and before the said lord archbishop of York in the metropolitan church of St. Peter in York, the 14th day of April then next ensuing, or elsewhere, as they respectively should think it most convenient, to

treat, consent and conclude upon certain difficult and urgent affairs contained in the said writs, did thereupon at the time appointed and within the cathedral church of St. Paul and the metropolitan church of St. Peter aforesaid, assemble themselves respectively together, and appear in several convocation for that purpose, according to the said several writs, before the lord archbishop of Canterbury and the said lord archbishop of York respectively ; and forasmuch as we are given to understand, that many of our subjects being misled against the rites and ceremonies now used in the church of England, have lately taken offence at the same, upon an unjust supposal that they are not only contrary to our laws, but also introductive unto popish superstitions ; whereas it well appeareth unto us upon mature consideration, that the said rites and ceremonies, which are now so much quarrelled at, were not only approved of, and used by those learned and godly divines, to whom at the time of reformation under King Edward VI, the compiling of the book of Common Prayer was committed, divers of which suffered martyrdom in Queen Mary's days, but also again taken up by this whole church under Queen Elizabeth, and so duly and ordinarily practised for a great part of her reign, within the memory of divers yet living, as that it could not then be imagined that there would need any rule or law for the observation of the same, or that they could be thought to savour of popery.

And albeit since those times for want of an express rule therein, and by subtle practices, the said rites and ceremonies began to fall into disuse, and in place thereof other foreign and unfitting usage by little and little to creep in ; yet forasmuch as in our own royal chapels, and in many other churches, most of them have been ever constantly used and observed, we cannot now but be very sensible of this matter, and have cause to conceive that the authors and fomenters of these jealousies, though they colour the same with a pretence of zeal, and would

seem to strike only at some supposed iniquity in the said ceremonies, yet, as we have cause to fear, aim at our own royal person, and would fain have our good subjects imagine that we ourselves are perverted and do worship God in a superstitious way, and that we intend to bring in some alteration of the religion here established. Now how far we are from that, and how utterly we detest every thought thereof, we have by many public declarations and otherwise upon sundry occasions given such assurance to the world, as that from thence we also assure ourselves, that no man of wisdom and discretion could ever be so beguiled, as to give any serious entertainment to such brainsick jealousies ; and for the weaker sort, who are prone to be misled by crafty seducers, we rest no less confident, that even to them, as many as are of loyal, or indeed but of charitable hearts, will from henceforth utterly banish all causeless fears and surmises upon these our sacred professions so often made by us, a Christian defender of the faith, their King and sovereign. And therefore if yet any person under whatsoever mask of zeal or counterfeit holiness, shall henceforth by speech or writing or any other way (notwithstanding these our right hearty faithful and solemn protestations made before him whose deputy we are, against all and every intention of any popish innovation) be so ungracious and presumptuous as to vent any poisoned conceits, tending to such a purpose, and to cast these devilish aspersions and jealousies upon our royal and godly proceedings, we require all our loyal subjects, that they forthwith make the same known to some magistrate ecclesiastical or civil : and we straitly charge all ordinaries and every other person in any authority under us, as they will answer the contrary at their utmost peril, that they use no palliation, connivance, or delay herein ; but that taking particular information of all the passages, they do forthwith certify the same unto our court of commission for causes ecclesiastical, to be there examined, and proceeded in with all fidelity and tenderness of our royal majesty,

as is due to us their sovereign lord and governor. But forasmuch as we well perceive that the misleaders of our well minded people do make the more advantage for the nourishing of this distemper among them from hence, that the foresaid rites and ceremonies or some of them are now insisted upon but only in some dioceses, and are not generally revived in all places, nor constantly and uniformly practised throughout all the churches of our realm, and thereupon have been liable to be quarrelled and opposed by them who use them not ; We therefore out of our princely inclination to uniformity and peace, in matters especially that concern the holy worship of God, proposing to our self herein the pious examples of King Edward VI and of Queen Elizabeth, who sent forth injunctions and orders about the divine service and other ecclesiastical matters, and of our dear father of blessed memory, King James, who published a book of constitutions and canons ecclesiastical ; and (according to the act of parliament in this behalf) having fully advised herein with our metropolitan, and with our commissioners authorised under our great seal for causes ecclesiastical, have thought good to give them free leave to treat in convocation ; and agree upon certain other canons necessary for the advancement of God's glory, the edifying of his holy church, and the due reverence of his blessed mysteries and sacraments : that as we ever have been, and by God's assistance (by whom alone we reign) shall ever so continue careful and ready to cut off superstition with one hand, so we may no less expel irreverence and profaneness with the other ; whereby it may please almighty God so to bless us, and this church committed unto our government, that it may at once return unto the true former splendor of uniformity, devotion, and holy order, the lustre whereof for some years bypast hath been over much obscured, through the devices of some ill affected to that sacred order, wherein it had long stood from the very beginning of the reformation, and through inadvertency of some in authority in the church under us.

We therefore by virtue of our prerogative royal and supreme authority in causes ecclesiastical, given and granted by our several and respective letters patent under our great seal of England, dated the 15th day of April now last past, and the 12th day of May then next following (1640) for the province of Canterbury; and, by our like letters patent dated the 27th day of the same month of April, and the 20th day of the month of May aforesaid, for the province of York, did give and grant full free and lawful liberty, licence, power, and authority unto the said Lord Archbishop of Canterbury, president of the said convocation for the province of Canterbury, and unto the said lord Archbishop of York, president of the said convocation for the province of York, and to the rest of the bishops of the said provinces, and unto all deans of cathedral churches, archdeacons, chapters and colleges, and the whole clergy of every several diocese within the said several provinces, and either of them, that they should and might from time to time, during the present parliament, and further during our will and pleasure, confer, treat, debate, consider, consult, and agree of and upon canons, orders, ordinances and constitutions, as they should think necessary fit and convenient for the honour and service of almighty God, the good and quiet of the church, and the better government thereof, to be from time to time observed, performed, fulfilled, and kept as well by the said Archbishop of Canterbury and the said Archbishop of York, the bishops and their successors and the rest of the whole clergy of the said several provinces of Canterbury and York, in their several callings, offices, functions, ministries, degrees, and administrations; as by all and every dean of the Arches, and other judges of the said several Archbishop's courts, guardians of spiritualities, chancellors, deans and chapters, archdeacons, commissaries, officials, registers, and all and every other ecclesiastical officers, and their inferior ministers whatsoever, of the same respective provinces of



Canterbury and York, in their and every of their distinct courts, and in the order and manner of their and every of their proceedings, and by all other persons within this realm, as far as lawfully being members of the church it may concern them, as in our said letters patents amongst other clauses more at large doth appear.

Now forasmuch as the said lord archbishop of Canterbury, president of the said Convocation for the province of Canterbury, and the said archbishop of York, president of the said Convocation for the province of York, and others the said bishops, deans, archdeacons, chapters, and colleges, with the rest of the clergy, having met together respectively at the time and places before mentioned respectively, and then and there, by virtue of our said authority granted unto them, treated of, concluded, and agreed upon certain canons, orders, ordinances, and constitutions, to the end and purpose by us limited and prescribed unto them, and have thereupon offered and presented the same unto us, most humbly desiring us to give our royal assent unto the same, according to the form of a certain Statute or Act of Parliament made in that behalf in the 25th year of the reign of King Henry VIII, and by our said prerogative royal and supreme authority in causes ecclesiastical, to ratify by our letters patent under our great seal of England, and to confirm the same, the title and tenor of them being word for word as ensueth :—

Then follow XVII different heads of “Constitutions and Canons ecclesiastical made, 1640,” after which six folio pages, the King’s voice reappears, carrying on the sentence, from the “forasmuch” above.

We, of our princely inclination and royal care for the maintenance of the present estate and government of the church of England by the laws of this our realm, now settled and established, having diligently with great contentment and comfort read and considered of all these their said canons, orders, ordinances, and constitu-

tions agreed upon, as is before expressed : and finding the same such as we are persuaded will be very profitable, not only to our clergy, but to the whole church of this our kingdom, and to all the true members of it, if they will be observed, have therefore for us, our heirs and lawful successors, of our special grace certain knowledge and mere motion given, and by these presents do give, our royal assent, according to the form of the said statute or act of parliament aforesaid, to all and every the said canons, orders, ordinances, and constitutions and to all and everything in them contained, as they are before written. And furthermore, we do not only by our said prerogative royal, and supreme authority in causes ecclesiastical, ratifie confirm and establish by these our letters patent the said canons, orders, ordinances and constitutions, and all and everything in them contained, as is aforesaid, but do likewise propound publish and straitly enjoin and command by our said authority and by these our letters patent the same to be diligently observed executed and equally kept by all our loving subjects in this our kingdom, both within the provinces of Canterbury and York, in all points wherein they do or may concern every or any of them, according to this our will and pleasure hereby signified and expressed. And that likewise for the better observation of them, every minister by what name or title soever he be called, shall in the parish church or chapel where he hath charge, read all the said canons, orders, ordinances, and constitutions at all such times and in such manner as is prescribed in the said canons or any of them : the book of the said canons to be provided at the charge of the parish, betwixt this and the feast of St. Michael the archangel next ensuing ; straitly charging and commanding all archbishops, bishops, and all other that exercise any ecclesiastical jurisdiction within this realm, every man in his place to see and procure (as much as in them lieth) all and every of the same canons, orders, ordinances, and constitutions to be in all points duly observed, not

sparing to execute the penalties in them severally mentioned, upon any that shall wittingly or wilfully break or neglect to observe the same ; as they tender the honour of God, the peace of the church, the tranquillity of the kingdom, and their duties and service to us their King and Sovereign. In witness whereof we have caused these our letters to be made patent.

Witness our self at Westminster, 30th June, in the 16th year of our reign (1640).

cxxxv. A "Concilium provinciale," or Convocation, was held by a Royal Writ on 14th April, 1641, on which day, after the reading of the King's Writ, the "praeconization" of the prelates and clergy, and the recognition of proctors, Convocation was adjourned to 29th April, and thence to 5th May. On this day Royal Letters Patent were received, read, and entered on the public records, being of like tenor with those granted by King James I. They granted to Convocation the power of expounding, or amending, Canons, and of making new Canons. Again, on 29th May other Royal Letters Patent were addressed to the Archbishop and to the Synod in a body, making the following change from the earlier writs, namely, whereas in former writs we find "shall and may from time to time *during this present parliament* propose, confer, treat, debate," etc., now in this latest writ it runs, "shall or may from time to time *during our will and pleasure* propose," etc. For before these letters were issued Parliament had been dissolved by the King, and his Majesty desired to leave Convocation still sitting, so that he might secure a subsidy from them. On June 5th Convocation elected H. Wickham, S.T.P., Archdeacon of York, to be Prolocutor. He read the seventeen Canons and ecclesiastical Constitutions to the House, which was then adjourned to 8th June. On this day it voted the "subsidy of a Benevolence" to the King. On 26th June a tax was laid on the clergy of the province, towards the expenses of the Proctors, the Actuaries and Apparitors. Finally, a Royal Writ of 26th June dissolved this Convocation, and no more were held till the Restoration.

## CIII.

Under a Royal Writ, Convocation met on 8th May, 1661, in the Minster at York, where after Morning Prayer, with special Lessons (Deut. xvii and Acts xv), and the Litany, the first part of the Hymn "Veni Creator Spiritus" was sung before a sermon addressed to the clergy. After the sermon, Convocation retired to the Chapter House, where the Royal Writ was read, and the Archbishop's Mandate, and the other usual formalities observed, the following service was taken by the President :—

PRECES SYNODALES (A.D. 1661) (*Acta Convocationis* A.D. 1661).

Post preces matutinas in Choro, inter quas lectio prima fuit Deut. xvij, lectio secunda Act. xv, finita Litinia (*sic*), pars prior hymni *Veni Creator Spiritus* ante concionem ad clerum cantabatur. Post concionem ad Domum Capitularem ventum est, ubi lecto Brevi Regio una cum literis domini Archiepiscopi mandatorialibus, clero praeconizato, etc., percontabatur Praeses :—

FORM OF SERVICE AT THE OPENING OF A CONVOCATION.

"Doth it please you that this sacred synod or convocation doe now begin, to the glory of God, and the peace and publique good of the Church and kingdom of England ?"

Responderunt : "It pleaseth us."

"Doth it please you to begin this solemn and sacred action with prayer, for the assistance of God's Holy Spirit ?"

Respond. : "It pleaseth."

Tunc praeses : "Oremus genuflexi."

"Pater noster, qui es in caelis," etc.

"Adsumus, Domine, Sancte Spiritus ; adsumus peccati quidem inanitate detenti atque deter[r]iti, sed in nomine Christi specialiter convocati et congregati. Veni ad nos, et esto nobiscum. Dignare cordibus illabi nostris. Doce nos quid agamus, quid dicamus, et ostende quid

efficere debeamus, ut, te auxiliante, tibi in omnibus complacere valeamus. Esto salus nostra, omniumque in te sperantium. Esto effector et confirmator iudiciorum nostrorum, omniumque servorum tuorum, vices tuas ubique praesertim jam Londini gerentium. Praecipue autem in bonitate tua memineris domini nostri Caroli Secundi, eorumque, qui ei sunt a consiliis, tum ecclesiasticis, tum civilibus, tum publicis, tum privatis. Non sinas inter nos perturbatores esse iustitiae, Tu, qui summam diligis aequitatem; non in sinistram nos ignorantia trahat, non favor inflectat; non acceptio munerum vel personarum corrumpat; sed junge nos efficaciter tibi, solius tuae gratiae dono, ut simus in unum, sed in nullo aberremus a vero; quatenus in nomine tuo collecti, sic in cunctis cum moderamine pietatis iustitiam teneamus, ut hic a te in nullo dissentiat sententia nostra, et in futuro saeculo te facie ad faciem in aeternum beatifice videamus, tecumque semper regnemus, per Christum Jesum Dominum et Salvatorem nostrum, cui cum Patre benedicto in unitate Spiritus Sancti sit omnis honor, dominium, et gratiarum actio, in saecula saeculorum, Amen."

On the same day John Neile, S.T.P., Archdeacon of Cleveland, one of the Commissaries, was elected Prolocutor. Then, after six "prorogations or sessions," on the 8th August came letters patent from the King, granting to Convocation the power to make, &c., Canons and Constitutions (in the form of a similar letter from James I); then Convocation was adjourned to the 21st November, thence to the 30th. On this day Convocation was informed that it must deliberate on a Royal Writ received from Charles II, addressed to the Archbishop (Accepted Frewen), together with other letters addressed by the prelates of the province, as well as a letter from the Archbishop to George Aislaby at the Registry at York, all on the subject of a revision of the Book of Public Prayer. Then followed a "solemn and diligent discussion as to the causes of this Convocation, and as to the commissioning, as by a special procuration, of certain men 'of venerable character'" to go as a Commission to London to meet and sit in the Canterbury Convocation, and to join in a common discussion as to the revision



of the Book of Public Prayer, and also of the forms of consecration and ordering bishops, priests and deacons, and this on the authority of a Royal Writ or mandate on this subject. On this occasion they sat conjointly with the Canterbury Convocation, because of shortness of time, Parliament being at work on an Act of Parliament.

## CIV.

A LETTER FROM KING CHARLES II TO THE ARCHBISHOP.  
Charles R.

Most reverend father in God, Wee greet you well. Wheras by our commission under our greate seale of England bearing date the tenth day of June last, We did (amongst other thinges) give full, free, and lawfull liberty to you, as President of the Convocation, and to other the bishops and clergie for our province of York, to conferr, debate, treat, consider, consult, and agree of and upon such other points, matters, and things, as we from time to time should deliver or cause to be delivered unto you in writing under our signe Manuall or privy signett to be debated, considered, consulted, and concluded upon, any Statutes, Acts of parliament, proclamation, provision, restraint, clause, matter, or thing to the contrary notwithstanding ; Our pleasure therefore is and according to the liberty and power reserved by our said commission, Wee do hereby authorise and require That you review or cause a review to be had and taken both of the booke of Common Prayer and of the booke of the forme and manner of makeing and consecrating Bishopps, Preists, and Deacons ; and after mature consideration that you make such additions or alterations in the said bookes respectively as to you shall seeme meete and convenient ; which, our pleasure is, that you exhibitt and present unto us in writeing for our further consideration, allowance, and confirmation. And for so doeing this shall be your warrant. Given at our Court at Whitehall the 22nd day of November, 1661.

By His Majesty's command.

To our right trusty and wel-beloved, the most reverend father in God Accepted, Archbishop of York.

LETTER OF THE BISHOPS OF THE NORTHERN PROVINCE.  
Sirs,

You see the contents of His Majesty's letters for the review of the book of Common Prayer, and Ordination of bishops, preists &c. for the despatch whereof His Majestie requires all possible expedition. His Grace and ourselves sitt in consultation with the bishops of the province of Canterbury : and because time allotted for the despatch of these things is so short, and an Act of Parliament for confirmation of them ready to pass, the ordinary course for concluding them here first, then sending of them downe for your concurrence, and returning them up againe is soe delatory, that it will not be consistent with His Majesties expectation. It is therefore our desire and request to you that forthwith you would passe a vote for a proxie in behalfe of your whole house (wherein our prolocutors are desired to concurr) to Dr. Henry Ferne, prolocutor, Dr. John Earles, deane of Westminster, Dr. John Barwicke, deane of Paulls, or to some other of the lower house of Convocation there, "conjunctim et divisim," to give your consents to such thinges as shall be concluded on here in relation to the premises. This proxie under your Dean, and Chapter, or your chancellor's seale, we earnestly desire may (if possible) be sent up by the next post, after this come to your hands. This is all we have at present. We therefore commit you to the protection of almighty God, resting

Your most affectionate freinds,

Ac. Ebor. [Accepted Frewen].

Jo. Duresme. [John Cosin].

Rich. Carliol. [Richard Sterne],  
(Archbishop of York, 1664.)

Bri. Cestren. [Brian Walton].

To the right worshipful Dr. John Neile, prolocutor, and to the rest of his brethren of the convocation assembled for the province of York.

Sir,

The enclosed to Dr. Neile your prolocutor goes to him from all the bishops of the Province, having in it a true copie of another from His Majestie to myselfe. Deliver it, I pray, unto him presently (excusing my not writing unto him at present in particular) and hasten their despatch back according to the direction therein, with as much speed as possibly you can, for 'tis of great and generall concernment: the Chancellour, who hath beene our clarke herein, will perhaps (if at leasure) say more: I adding onely this here in the close, that if we have not All from you by the end of next week wee are lost; and in case the Convocation sitt not with the doctor presently, to open the letter, as if it had been sent to himselfe onely. Farewell.

Yours

Ac. Ebor.

Nov. 23rd.

For Mr. George Aislable at the Register's office in the Minster-Yard, Yorke.

CV.

PROCURATORIUM PRAELATORUM ET CLERI PROVINCIAE  
EBOR. CONCESSUM DIVERSIS CLERICIS AD NEGOTIAN-  
DUM IN SYNODO PROVINCIAE CANTUARIENSI TENTA  
APUD LONDON. A.D. 1661.

[Wilkins, *Concilia*, IV, 568].

Pateat universis per praesentes quod Nos Johannes Neile, S.T.P. Referendarius, sive Prolocutor domus inferioris sacrae Synodi sive Convocationis infra provinciam Eboracensem tentae et celebratae, necnon caeteri praelati et clerici in eadem congregati, unanimis nostris assensu pariter et consensu Venerabiles viros Johannem Barwick, S.T.P. decanum ecclesiae cathedralis divi

Pauli London., Johannem Earles, S.T.P. ecclesiae collegiatæ S. Petri Westmonasteriensis Decanum, Henricum Ferne, S.T.P. Decanum ecclesiae cathedralis Eliensis, Henricum Bridgeman Decanum ecclesiae cathedralis Cestrensis, Robertum Hitch, S.T.P. Archidiaconum Leicestrensem, Matthaeum Smalwood, S.T.P. procuratorem cleri archidiaconatus Cestrensis et Richmondiae, Andream Sandiland clericum, Rectorem de Skeringham, alias Scrayingham, et procuratorem cleri archidiaconatus de Eastryding comitatus Eboracensis, et Humphridum Lloyd clericum procuratorem capituli ecclesiae Eboracensis et praebendarium praebendæ de Ampleford, in eadem ecclesia fundatæ, conjunctim et eorum quemlibet divisim et in solidum, ad negotia infrascripta et ea concernentia, omnibus et singulis melioribus via, modo, et juris forma, quibus de jure melius aut efficacius poterimus, nostros veros, certos, legitimos, et indubitatos procuratores, actores, factores, negotiorum nostrorum gestores, et nuncios speciales, nominamus, ordinamus, facimus, constituimus, et deputamus per praesentes; damusque et concedimus eisdem procuratoribus nostris, et eorum cuilibet, potestatem generalem et mandatum speciale pro nobis, ac vice loco et nomine nostris, omnibus et singulis, quae in sacra Synodo sive convocatione cleri provinciae Cantuarensis jam apud Westmonasterium tenta et celebrata, ex consilio et deliberatione communi, in negotio revisionis libri publicarum Precum, necnon formae consecrandi et ordinandi episcopos, presbyteros, et diaconos, virtute literarum seu mandati serenissimi domini nostri Regis in ea parte directi ad Dei honorem, ecclesiae et regni utilitatem, salubriter et concorditer ordinari, statui, vel decerni contigerint, consentiendi, et consensum et assensum respective suos dandi et praebendi, aliisque ex adverso (si et quatenus videbitur expediens) dissentiendi et contradicendi; et generaliter omnia et singula alia faciendi, exercendi, et expediendi, quae in praemissis aut circa ea necessaria fuerint seu quomolibet opportuna, etiamsi mandatum de se exigant magis

speciale, quam praesentibus est expressum ; et quae Nosmetipsi facere possemus, si praesentes personaliter interessemus ; (juribus, libertatibus, privilegiis, praeminentiis, et consuetudinibus provinciae et ecclesiae Eboracensis dignitate et honore in omnibus semper salvis et reservatis) ; promittimusque Nos ratum, gratum, et firmum perpetuo habituros totum et quicquid dicti procuratores nostri fecerint, seu eorum aliquis fecerit in praemissis, sub hypotheca et obligatione omnium et singulorum bonorum nostrorum, et in ea parte cautionem exponimus per praesentes. In cujus rei testimonium sigillum capitulare ecclesiae cathedralis et metropoliticae Sancti Petri Eboracensis praedictae praesentibus apponi fecimus. Datum in domo capitulari dictae ecclesiae Ebor. ultimo die mensis Novembris, anno regni serenissimi domini nostri Caroli II, Dei gratia Angliae, Franciae et Hiberniae regis, fidei defensoris, etc., decimo tertio, annoque Domini 1661.

## CVI.

This document is a copy of the original Propositions, in the handwriting of Archbishop Sancroft.

THE PROPOSITIONS OF DR. P. SAMWAYES [taken from the MS. of Abp. Sancroft, in the Bodleian Library].

Propositions exhibited in the convocation at York Dec. 13, 1661, by P. Samwayes,\* doctor of divinity, proctor for the clergy of the arch-deaconries of Chester and Richmond, and by the whole court approved and decreed to be transmitted to the lord archbishop, and the rest of the bishops of the province of York now resident at London ; to be communicated (if they think fitt) to the other convocation of Canterbury now convened at Westminster, London.

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\* Peter Samwayes, D.D., was made a Prebend of York in 1668.



1. If any alteration be made in the liturgy of the Church, is it not meet, that a declaration should be publish'd to expresse, that such change is not made upon the grounds pretended by those of the separation? Whether good men might not safely have continued in the unity of our church, before any such alteration, to the salvation of their souls; or whether the wilful departing from the unity of the said church, were not an heynous crime? And therefore, were it not much conducive to the spiritual advantage of as many as have bin involv'd in the schism, and to the honour also of our church, that they, that have unadvisedly divided themselves from us, and still continue in their division, should be intreated, as they tender their own salvation, and the welfare of the souls of others joined with them, to repent for their foul offence, and not please themselves? Whether their proceedings had bin justifiable because the Church is contented to lay aside some of those expressions in the service book, that they had carped at?

2. Were it not fitt that a canon should be contrived for the more strict and general observation of the Ember weeks? And that collects were framed that might implore the divine assistance in the management of that great worke, to the end that by the plentiful effusion of the graces of the Blessed Spirit, the persons to be ordained at the following solemnities, might be enabled for the due discharge of their several offices, proportionably to the importance of the divers employments, that the men to be ordained shall enter upon?

3. Were it not expedient that the holy eucharist were celebrated upon all such daies as it is required? That the second service should be said at the communion table, at least in the cathedrals? For then the quarrel of the exception would cease, that is made against reading the service apart from the common prayers: and if through the paucity of the communicants, the priest should forbear the celebration of that holy ordinance

(as it is appointed in the rubric that he should, except there be three at least to joyn with him) the fault (as 'tis called) of saying the rest of the service without the communion at the table, would evidently be chargeable upon none, but such as negligently regarded the discharge of their duty in coming to that holy sacrament.

4. Were it not requisite, and much conducive to the peace of the church, that standing at the psalms and hymns, and the recitall of the "Gloria Patri," etc., were enjoined as well as at the rehearsall of the Creed? That what laudable custom hath in many places taken up, Canon might in all impose; especially seeing the psalms are commonly made up of prayers and praises, which are not so comely in the mouth of a sitter as a stander? And moreover, were it not of great concernment to the preventing of animosities commonly arising from difference of worship, or rather diversity of posture in the same worship, that all men's outward behaviour in the church were so circumscribed, that none might do any public act in any service or office, kneel, bow, or prostrate himself [but] as the Canon should ordain?

5. Because many people, through the great disorders of the late confusions, have been so farr debauched from the integrity of their Christianity, that they have by the countenance and encouragement of the usurpations made amongst us, committed acts of violence, and injustice against their brethren, and by unwarrantable courses enriched themselves; and yet through the clemency of His gracious Majesty, are secure from all impleadings, and suits, in the courts of man's law; were it not to be enjoined that every priest should, especially before the celebration of the eucharist, press upon the consciences of his hearers, that are guilty in that kind, a serious resentment of such grand miscarriages? Exhorting them not to rest satisfied with the pardon of their pious prince here on earth, until by due penance they were qualified to receive their pardon also from the king of heaven,

who remits no man's sin, that feels not the smart of it by remorse, and bewailing his wretchedness, flieth not to the throne of grace for absolution ? And if his offence hath bin not only against God, but also against his neighbour, expedient it is (as our Church explaineth herself in one of the exhortations before the communion in such cases) to reconcile himself to his neighbour, being ready to make restitution and satisfaction unto him, according to the uttermost of his power. No man can find grounds from God's Word to justify what he forbids. If therefore the war, lately commenced against his sacred Majesty's royal father of blessed memory, and own person, were contrary to God's word ; the worldly advantages gotten thereby can be comfortable to no man, whose conscience shall tell him, that he is guilty of that crime. So that if any continue to think such possessions lawful, he declareth thereby, that he approves still what he formerly did, and upon the like occasion would perhaps do the like again ; and is such a person a meet and worthy communicant, and may he be receiv'd as such an one by his pastor, whatsoever opinion he may have of himself ? Intimations (we humbly conceive) may be given unto such, without any diminution to the immunities, that by their prince's act of oblivion, they do or may enjoy, to ponder with themselves the greatness of their heinous extravagancies, and that to much advantage of their souls, so as it be done (as it ought to be) without indecent upbraidings, but with grave and serious exhortations, as in the presence of God, who searcheth all hearts, not to startle the greatest offenders in the assurance of his majesty's full remission ; but to win them to seek for his pardon also, who alone properly can forgive sins.

6. Forasmuch as some not so scrupulous, as they should have been in taking covenants and engagements, not agreeable to the oaths of supremacy and allegiance, have pleased themselves with what they did, because (as they conceived) the king's majesty was asserted supreme in the said oaths, in opposition only to forrain

power and jurisdiction and having pleaded a coordinacy of power with his majesty in the exercise of their classical authority (as may appear by their books\*), were it not expedient in such times as now wee live in, that some clause or clauses were inserted into the said oaths, that might expressly exclude all such evasions, and oblige men to assert his Majesty supreme in opposition to all internal and domestical pretentions of power in the classis, as well as to the external and forrain claims of the bishop of Rome?

Attested a true copy by a public Notary.

## CVII.

*Protectio* } To all Christian people to whom  
*Doctoris* } these presentes shall come Greeting.  
*Samwayes.* } Whereas the Prelates and Clergie within the Province of Yorke were lately summoned by vertue of his Majesties' Writt to appeare at the Convocation holden in the Chapter House within the Cathedrall and Metropolitick Church of St. Peters in Yorke upon the 8th of May last past, And Whereas Peter Samwayes D.D. Rector of Beedall, was lawfully elected by the Clergie of the severall Archdeaconries of Chester and Richmond to appeare as their Proctor in the said Convocation House, and there carefully and diligently attend his Majestie's service in the said Convocation, and is judicially monished to appeare from day to day during the continuance of the said Convocation now depending att Yorke, These are therefor to certifie all and every one whom these presentes may in any wise concerne, that the said Doctor Peter Samwayes was and is a member of the said Convocation, presuming that upon notice

\* The power of the Church is co-ordinate with, not subordinate to, the Civil Magistrate—saith the book of "The Divine Right of Church government," p. 84, *apud* the Bishops' Appeale. And the book of discipline treateth, p. 78, that the person of the Magistrate ought to be subject to the Kirk spiritually, and in ecclesiastical government, p. 25.—(This note is in the same handwriting with the rest).

heerof noe person or persons whatsoever will attempt to sue trouble or molest him the said Peter Samwayes during the continuance and dependency of the said Convocation, but quietly and peacably without any lett or molestation suffer him to enjoy all and every the liberties immunities and priviledges graciously granted by Act of Parliament to the prelates and Clergie of this Realme during the continuance of the said Convocation. In witnes whereof wee the Commissioners of the Lord Archbishop of Yorke, President of the said Convocation, have hereunto sett our handes and caused the Seale of the Consistory Office of the said Lord Archbishop of Yorke to be hereunto putt, this 27th day of January, A.D. 1661.

Geo. Aislabie, Register.

Rich<sup>d</sup> Marsh.

John Neile.

Antho. Elcocke.

#### CVIII.

After the revision of the Book of Common Prayer was completed on the 20th December, 1661, it was signed by both Convocations in London. It is clear from these documents that, though the two Houses might sit together, and often did so, they were already clearly recognized as being independent of one another. The phrase "*clerus inferioris domus*" shows this plainly.

#### THE ADHESION OF THE BISHOPS OF THE PROVINCE OF YORK TO THE PRAYER BOOK OF 1661.

1. *Librum precum publicarum, administrationis sacramentorum, aliorumque rituum ecclesiae Anglicanae, una cum forma, et modo ordinandi et consecrandi Episcopos Presbyteros et Diaconos, juxta literas regiae majestatis nobis in hac parte directas, revisum, et quingentos quadraginta et quatuor paginas continentem, Nos Acceptus, providentia divina Ebor. archiepiscopus, provinciae in sacra provinciali synodo legitime congregati*



unanimi assensu et consensu in hanc formam redegimus, recepimus, et approbavimus, eidemque subscripsimus, 20 Dec. A.D. 1661.

Acceptus Ebor.

Johannes Dunelmensis.

Ricardus Carliolensis.

2. The Clergy of the Province of York also signed the following document :—

Nos etiam universus clerus inferioris domus ejusdem provinciae Ebor. synodice congregati per nostros respective procuratores sufficienter et legitime constitutos et substitutos, dicto libro publicarum precum, administrationis sacramentorum et rituum, una cum forma et modo ordinandi et consecrandi Episcopos, Presbyteros et Diaconos, unanimiter consensimus et subscripsimus die et anno praedictis.

Henricus Fern (Bishop of Chester, 1662).

Johannes Berwick.

Robertus Hitch.

Matthew Smallwood.

Humphredus Lloyd (Bishop of Bangor, 1673).

Andreas Sandiland.

Finally, this Convocation, after several unimportant sessions and prorogations, was continued from the 20th March to the 3rd April, 1662.

cxxxvi. Convocation sat from 3rd April, 1662, to 7th May, then to 5th June, and finally was prorogued by a Royal Writ to 19th February, 1663, and thence to 7th May, 1663. Thence adjourned to 23rd June, on which day Convocation "unanimously, and with a prompt and spontaneous desire to declare, as a sign of their supreme good will fidelity and duty towards the sublimity of the King, voted four subsidies of 4s. in the £, so humbly following the lead of Canterbury." Then, after several adjournments, a Royal Writ prorogued Convocation to 9th February, 1665, and thence, after some prorogations, Convocation went on from 9th March to 22nd June, 1665.

After nine prorogations, from day to day, Convocation was adjourned from 26th January to 24th April, 1666.

There were several "sessions" or sittings of Convocation, in 1666-67, viz., 24th April, 27th September, 9th October, 26th October, 16th November, 24th December, 10th January, 1667; 7th February, 22nd February, after which came by a Royal Writ an adjournment to 11th October, 1667.

Convocation sat from 11th October, 1667, to 4th November, then on 23rd December, then on 13th February, 1668; on 5th March, on 9th April, thence on 13th May, 26th August, 10th November, 12th March, 1669; and from that day was prorogued to 20th October. From that date to 2nd November, 21st November, 21st December, and then was prorogued by Royal Writ to 15th February, 1670; thence to 10th March, and to 6th April. In this year also Convocation sat on 10th May and 29th (?) April.

Before Richard Sterne, Archbishop of York, had put into operation a Royal Writ for a meeting of Convocation on 5th February, 1673, he, "by his own intimation or mandate," summoned it to meet on 11th December, 1672; from that day he adjourned it to 5th February, 1673, thence to 11th March, and eventually to 2nd April, 1673; thence to 21st October; thence, by a Royal Writ, to 28th October, and finally to the 8th January, 1674. From this date it was prorogued to the 8th January, 1675; and then, by Royal Writ, to the 14th April. Thence to the 14th October; thence to the 16th February, 1676. So again to the 16th February, 1677, to the 15th February, 1678. It afterwards met on the 2nd and 30th August, and was finally dissolved by the King on the 12th February, 1679.

A Royal Writ summoned Convocation to sit on the 3rd May, 1679; and after certain adjournments it was dissolved by Royal Writ on the 25th August, 1679.

Another Convocation was summoned to meet on the 18th October, 1679, and, after many adjournments, came to an end on the 2nd December, 1680.

## CIX.

The *Acta Convocationis* give the names of all offices which carried with them a right to presence in Convocation. It will be seen from the following what the numbers were : no division into two Houses is mentioned ; and that the actual persons present grew fewer year by year.

## LIST OF MEMBERS OF CONVOCATION, A.D. 1679.

Dominus Archiepiscopus Eboracensis.

„ Episcopus Dunelmensis.

„ „ Cestrensis.

„ „ Carliolensis.

„ „ Sodorensis. }

„ „ Insulae de Mona. }

Decanus Eboracensis.

„ Dunelmensis.

„ Cestrensis.

„ Carliolensis per Mag. J. Nelson.

Archidiaconus Eboracensis per Dm. Feile et Dm. W.  
Atkinson.

„ Nottinghamiae per Dm. Brunsell.

„ East Ryding.

„ Cleaveland.

„ Dunelmensis.

„ Northumbriae.

„ Cestrensis, Guil. Fynmore A.M. per Dm.  
Eboreing (?) et Dm. Watkins.

„ Richmondiae, Hen. Dowe S.T.P.

„ Carliolensis, Tho. Musgrave A.M.

„ Sodorensis sive Insulae Monae, — Arquart  
S.T.P.

Capitulum Eboracense.

„ Dunelmense.

„ Cestrense per Laurentium Foggers, S.T.B.

„ Carliolense per Dm. Nelson.

„ Southwelliae per Dm. Lake.

Capitulum Riponense per Mag. Drake.

Clerus Archidiaconatus Eboracensis per Dm. Watkinson et  
Mag. Micklethwaite.

„ „ Nottinghamiae per Dm. Brunsell  
et Mag. Mompesson.

„ „ East Ryding.

„ „ Cleaveland per Mag. Burton et  
Dm. Combe.

„ „ Dunolmiae.

„ „ Northumbriae.

„ „ Cestrensis.

„ „ Richmondiae.

„ „ Carliolensis.

„ „ Insulae Monae. Non.

Clerus Jurisdictionis }  
Decani et Capituli } de Ebor.

„ „ Southwellensis Mag. Crowbrow.

Custos Jurisdictionis peculiaris de Howdenshire.

„ „ „ Allertonshire.

„ „ „ (tam Episcopo quam  
capitulo Dunelmensi).

Clerus Jurisdictionis de Howden et Howdenshire per Joh.  
Dowe et Tobiam Conyers.

„ „ Allerton et Allertonshire per Wm.  
Neile et Lucam Mawbarn.

In 1697-8, 8th January, the Lists contain the state-  
ment that

Nathaniel (Crewe), Bishop of Durham, nominated  
three proctors for himself,

viz. Johannes Morton, S.T.P.

Carolus Neile, A.M.

Johannes Turner, A.M.

The Bishop of Carlisle, Thomas (Smith), named two,  
viz. Wm. Pearson, A.M.

Wm. Nicholson, A.M.

On the roll for 1701 only three names are marked specially with the word *ptr.* (*personaliter*), but the roll does not state whether any proctors for the others appeared. Probably not, for the names marked with "*personaliter*" were :—

The Dean of York.

Thomas Gale, S.T.P.

James Fell, S.T.P., who was Proctor for Knightley Chetwood, S.T.P., Archdeacon of York.

and in the usual "*Proclamation*" we find the signatures to be those of Gale and Fell.

cxxxvii. A Convocation was summoned by Royal Writ, by King James II, on the 14th March, 1687. It has left no record in the York Registers.

Convocation summoned sat on the 29th October, 1689, and was dissolved by the Crown on the 8th February, 1690. The York Register says that this Convocation was begun without a Royal Writ, and that it sat on the 18th October, 1689, in the first year of William and Mary.

The last Convocation registered in the York Registry appears to have been that which sat on the 20th May, 1695. There is, however, no record of business, beyond the names of those who were present. Convocation, however, certainly was summoned, and held sittings in 1698 and 1701, apparently only of a formal kind. So that though the Southern Convocation met several times between 1695 and up to 1710, the Northern House appears to have shown only one sign of real life, when it met to reply to Queen Anne in the matter of the Bounty, in 1703-4.

#### QUEEN ANNE'S BOUNTY.

Willelmus Stainforth and Carolus Palmer, Commissaries of the Archbishop, prorogue Convocation from 10th February, 1703-4, to 16th March, "*vel ad aliquem alium diem citra, si opus fuerit.*"

Postea, viz. xxi<sup>o</sup> die mensis Februarii praedicti, iidem venerabiles viri Commissarii antedicti, ob certas causas urgentes se in ea parte specialiter moventes, decreverunt



monitionem sine intimationem omnibus et singulis praelatis procuratoribus et clericis dictae sacrae synodi spectandam, ad comparendum in dicta domo Capitulari die Martis jam proxime sequente, etc., ad tractandum et deliberandum de et super gratiis serenissimae in Christo principissae et dominae nostrae Annae, D. G. Angliae Scotiae Franciae et Hiberniae Reginae F. D., etc., ob causas et rationes infra nominatas agendum.

Tunc solemnī tractatu ac deliberatione in dicta synodo sive convocatione praehabitis de et super serenissimae Dominae nostrae Dominae Reginae munificentia in assignando nuper et allocando primitias et decimas totius regni Angliae in uberiores clericorum sustentationem, qui prae tenuitate proventuum et proficiorum ecclesiarum suarum honeste et ut ministros Dei decet vivendo, non sunt (?)—in perpetuum erogandas; statuerunt et decreverunt solennes gratias eidem serenissimae Dominae Reginae in ea quae sequitur forma agendas et praesentandas; viz. :—

To the Queen's most excellent Majestie. The humble Address of the Clergie of the Province of Yorke in Convocation assembled :—

May it please your most excellent Majestie, Wee, the clergie of the Province of Yorke in Convocation assembled, do for ourselves and on the behalfe of all our brethren of the same province whom we represent, humbly beg leave to throw ourselves at your Majestie's feet in most hearty and thankfull acknowledgment of your Majestie's most pious and affectionate care for the Church of England expressed in your late message to the House of Commons, wherein your Majestie is graciously pleased to declare that you will give your whole Ecclesiastical Revenues, First-fruits and Tenths, as it shall become free from incumbrances, to be applyd to the augmentation of poor Benefices throughout England. Wee cannot forbear saying that your Majestie has in this surprizeing instance of your kindness to the Church, outdone all your Royall

Predecessors since the Reformation. They took care that our holy Religion should be purged from the errors and superstitions with which Popery had corrupted it, and they tooke care likewise that it should be transmitted to us, and for this their memorie will be for ever blessed. But your Majestie not only takes care to preserve our religion in the same purety and to protect our Church in all its legall rights and privileges, but has further taken care also that the ministers of it should in due time have a competent maintenance, the want of which provision was indeed the great, if not the only, blemish of our Reformation ; And therefore doubly blessed will your Majestie's memory be in all succeeding generations. As we are sure that this pious and charitable gift of your Majestie is highly acceptable to God, who fails not to recompence even a cup of cold water given to a Prophet in the name of a Prophet, so we cannot but hope it will have such an effect upon all your Majestie's subjects who love our Church and Religion, and especially upon us of the Clergie, that we shall endeavour more and more (if it be possible) to express our zeal for your Majestie's service ; And particularly we shall think ourselves obliged every day to put up our most earnest prayers to God Almighty for your Majestie's long life and happy reigne over us, and that for this exceeding goodness of your Majestie He would add an abundant increase to the glorious rewards that, we doubt not, are laid up for you in His Heavenly Kingdom.

cxxxviii. On a blank page of the volume of the *Acta Convocationis* is written :—

Interim vero 1 Aug<sup>t</sup> 1714 Serenissima Domina nostra nuper Regina fatis cessit, et postea nihil actum fuit in hac Convocationis Synodo provinciali.



## APPENDICES.

## I.

## A LETTER FROM ARCHBISHOP WALTER GRAY TO HENRY III, ON THE ACTION OF THE NORTH AND SOUTH SYNODS, 1207.

[Gray., Reg., Royal Letters in Public Record Office, No. 279].

Excellentissimo domino suo Henrico Dei gratia Regi Angliae illustri, Domino Hiberniae, Duci Normanniae, Aquitaniae et Comiti Andegavensi, W. eadem gratia Ebor. archiepiscopus, Angliae primas, et W[alterus Kirkham] et S[ilvester Everdon] Dei permissione Dunelmensis et Karliolensis episcopi salutem in eo cujus gratia reges regnant. Majestatis potestas regiae et habita ad personam vestram affectio merito specialis nos admonent et inducunt ut ea quae ad vestri honoris et commodi incrementum faciunt affectare, votis vestris, quantum cum Deo possumus, annuamus. Receptis igitur dudum literis apostolicis et vestris cum reverentia et honore quo decuit, de gratia nobis a domino Papa concessa, convocavimus, prout serenitati tuae scripsimus, in conventionem super hoc habita apud Blidam, singuli in nostris dioecesibus ad certos terminos clerum nostrum, et cum quanta potuimus diligentia induximus convocatos ut in maturationem vestri negotii consentirent; a quibus, licet sub verbis variis, responsum recepimus subnotatum, viz. quod cum dictum negotium totam tangat ecclesiam Anglicanam, ac in talibus communis inter clerum utriusque provinciae, Eboracensis viz. et Cantuarensis, consuevit tractatus haberi, antequam certum daretur responsum, a modo illo recedere non credunt esse congruum vel honestum, et ideo, praetermisso tali tractatu, differunt respondere. Quo habito respondebunt, ut asserunt, secundum quod dederit eis Deus, ecclesiae vestris et regni nostri utilitatibus communiter ponderatis. Datum Ebor. ij Idus Septemb. A.D. MCCVII. Valeat dominatio vestra per tempora longiora.



## II.

## A MANDATE FOR A CONVOCATION FOR THE SOUTHERN PROVINCE, 1277.

[Reg. Gifford, Wigorn., f. 71].

[Wake's *State of the Church*, App., pp. 11-12].

Frater Robertus Kildwardby permissione divina Cantuarensis Archiepiscopus, totius Angliae primas, venerabili in Christo fratri Domino Johanni Chishull Londinensi Episcopo, salutem et sinceram in Domino charitatem. Meminimus in Congregatione nostra communi dudum habita Northamptoniae negotia varia utilitatem pariter et honorem totius ecclesiae Anglicanae tangentia in medio fuisse proposita. In quorum executione licet viae de communi consilio excogitatae fuissent, et executores viarum ipsarum varii deputati, quia tamen in quibusdam negotiis seu executionibus eorundem Nobis adhuc exitus est incertius; quaedam etiam penitus inconsummata existunt, emerserunt autem quaedam nova, quae ad eversionem jurium consuetudinum liberatum, et grave periculum ecclesiae Anglicanae redundant, fraternitati vestrae per praesentia scripta mandamus quatenus omnes fratres et coepiscopos seu suffraganeos nostros faciatis auctoritate nostra peremptorie per vestras literas evocari, quatenus nobiscum in Civitate Londoniae in crastino beati Hilarii in propriis personis conveniant, una cum aliquibus personis majoribus de suis capitulis et locorum Archidiaconis et procuratoribus totius cleri dioecesium singularium, nobiscum super negotiis memoratis, tam praeteritis quam instantibus, efficaciter tractaturi, ut eisdem, eorundem mediante consilio, finis imponatur laudabilis; ut et incerta certitudinem et inconsummata consummationem et emergentia novum auxilium [et] consilium debitum sortiantur. Qualiter autem hoc nostrum mandatum fueritis executi Nos per vestras literas patentes, harum seriem continentes certificare curetis die et loco praedictis. Datum apud Mechlindon 16 Kal. Dec. a. 1277.

## III.

## SYNODUS PONTEFRACSENSIS IN PROVINCIA EBORACENSI.

[Reg. Wickwan, Ebor., f. 2].

Willelmus permissione, etc., dilecto in Christo filio archidiacono Clyveland, salutem, etc. Quia communi deliberatione nostra et capituli nostri Eboracensis confirmiter habita provisum est quod quilibet archidiaconus pro subsidio domino regi faciendo suos subditos convocabit, vota et liberalitates super hoc attentis et votivis inductionibus scrutaturus, ita quod die Veneris proximo ante festum Sanctae Scholasticae Virginis quilibet archidiaconus cum duobus dignae eminentiae viris et unico ipsius archidiaconatus decano, nobis apud Pontemfractum ubi personaliter erimus, Deo dante, responsum pro communitate totius archidiaconatus faciat; vobis denunciamus ut modis omnibus in archidiaconatu vestro cum prona celeritate similiter idem fiat, ita quod apud Pontemfractum responsum in forma supradicta super quanto et quantitatis modo plenius habeamus; quod nullatenus omittatis. Vale. Datum apud Ebor. vj<sup>o</sup> Kal. Jan. pontif. nostri anno primo. [A.D. 1280].

## RESPONSUM CLERI.

Coram vobis, reverendo patre domino W[ickwane] Dei gratia Eboracensi archiepiscopo, etc. Proponunt et dicunt clerici dioeceseos Eboracensis, excepto archidiacono Richmondiae, quod in contributione facienda domino nostro regi Angliae illustri, unanimiter concedunt eidem decimam beneficiorum suorum ecclesiasticorum secundum taxationem Norwycensem prius factam, et non, si de novo faciendam;—per duos annos duntaxat;—ita quod dicta decima per ordinarios locorum vel ab eisdem deputatos, et non per alios colligatur; et quod dicta decima solvatur ad duos terminos anni, incipiente primo termino in festa natalis Domini, A. G. 1280, et alio termino in festo natalis beati Johannis Baptistae proxime secuturo, et sic terminatim usque ad ultimam solutionem:

hoc adjecto, quod viri ecclesiastici tam majores quam minores possessiones temporales habentes pro quibus prius una cum laicis solverunt domino regi 15<sup>am</sup> in hac contributione domino regi facienda, eidem solvant decimam pro mere spiritualibus tantum, et non pro temporalibus. Ista erant facta et concessa per clerum coram Domino 5<sup>o</sup> Id. Febr. in vigilia S. Scholasticae Virginis, apud Pontemfractum, A.D. suprascripto [1281].

## IV.

## A MANDATE FOR A CONVOCATION OF THE SOUTH PROVINCE.

N.B.—In Spring, 1281, there was held a “Convocatio” of the Bishops of the Province of Canterbury, summoned not through the Bishop of London, as *episcoporum decanus*, but, to save time, by letters addressed directly to each Bishop of the Province. The haste arose from the war in Wales, which had so exhausted the King’s treasury that his Mandate was “*rigidis urgentibusque verbis* (quae rex ei dictabat),” for such a synod.

## V.

## THE TRIAL OF THE TEMPLARS.

By the Rev. G. H. Godwin, M.A., Lecturer in History, Durham University.

The records of the Northern Convocation contain nothing more tragic than the story of the destruction of the English province of the Order of the Holy Temple in Jerusalem. The foundation of the Order is somewhat later and also somewhat less obscure than that of the kindred yet rival Order of the Hospital of St. John of Jerusalem; it is ascribed to a Burgundian knight, commonly, but perhaps doubtfully, called Hugo of Payens, who with seven companions undertook, about 1119, the protection of the roads leading to Jerusalem from its Syrian side. The rule of the Order formed for this purpose was based on that of the Augustinian Canons; unlike the Hospitallers and the Teutonic knights, the

Order was military from the very first. At the first the members took the name of *Christi milites*, but later Baldwin II assigned to them quarters in the palace of the Latin kings on Mount Moriah, known also as the Temple of Solomon, and to these headquarters they owed their customary title. The patronage of St. Bernard was also secured about the same time, and under his influence the Council of Troyes (1128) gave to the Order a rule based on that of the Cistercians. Papal and royal patronage followed at no long interval.

The operations of the Order were by no means confined to the Holy Land. Hugo de Payens had visited England immediately after the Council of Troyes and had enlisted the services of a number of English knights. He did more. A sentiment in favour of the Order was created which led during the reigns of Stephen and Henry II to grants of land by the most illustrious of the English nobles ; Stephen and his Queen, Matilda, set an example by granting the manors of Cressing and Witham in Essex and Cowley in Oxfordshire. A like generosity was shown on the Continent. In Germany, France, Brittany, Castile and Aragon, the Order received great benefactions ; there it established its Temples, and thence it recruited its knights. Thus the Templars, as contrasted with the Hospitallers, who remained predominantly French, acquired a distinctly cosmopolitan character, a fact which has its importance when we come to consider their fall.

The organization of the Order was at once monastic and feudal. At its head was a Grand Master (*magister militiæ Templi*) ; his chief subordinates were the senechal, charged with the administration of justice and revenues, and the marshal, to whom were allotted the functions of a minister of war. The whole Order was divided into a number of Provinces, of which three were in the East, Jerusalem, Tripoli, and Antioch, the remainder in Europe—France, England, Poitou, Aragon, Apulia, Portugal,

Hungary. Each of these provinces was controlled by a preceptor, or commander. The affairs of the province were, however, decided by the majority of the Chapter, in which all knightly members took part. In addition to the knights, the Order contained a larger number of servientes, clientes, and armigeri, admitted either for life or for a term of years, but it was the knights only who wore the distinctive dress of the Order, the white mantle with the red cross ; the servants were clothed in a cloak of brown or black.

The rule of the Order, *le règle du Temple*, was an adaptation and extension of that granted at the Council of Troyes, and afterwards confirmed by Pope Honorius II. Admission was confined to males, whether married or unmarried, but each member must before admission take vows of obedience and chastity, thus dedicating his future life to the cause of the defence of the Holy Land, as well as declare himself sound of body, free from debt, and member of no other religious body. The whole life of the member was, in theory, regulated. Two meals a day were provided, with the addition, at the preceptor's discretion, of a light meal at sunset. Wine was served at all meals. The daily services must be attended. All clothing was to be of wool, save that during the summer a linen shirt might be worn. Hawking and hunting, save of the lion, were forbidden. Absolute obedience was due to the Grand Master and to other superiors.

The history of the Templars may be traced along two distinct lines. On the one hand, the story of the Crusades is the story of their fortunes ; on the other, they became the chief bankers, money-lenders, and high financiers of the twelfth and thirteenth centuries. For a hundred and forty years, in Palestine and Egypt alike, they made the most strenuous endeavours for the preservation of the Holy Land from the Infidel. Yet through the story of their valour and their sacrifice



there runs a constant thread of suspicion. Greed for their own Order and for personal gain, private war, suspicious negotiations with the Saracens, rashness, and unnecessary stirring-up of warfare, and, above all, a constant antagonism to the rival Order of the Hospital, stained their good fame, and were to a very great extent responsible for the loss of the Holy Land. Finally in 1291 their Grand Master, William de Beaujeu, fell at the sack of Acre, and the few knights still surviving in Syria fled to Cyprus, which for a brief space became the head-quarters of the Order.

In Europe, however, it was as financiers that they were best known. As a corporation they escaped the ecclesiastical censures directed against the souls and bodies of usurers,\* while, possessed of great estates and stores of bullion, they had far more available capital than the isolated Jewish lenders. Kings and princes, clerks and traders, obtained advances from them, or stored in their Temples their valuables and their deeds. St. Louis made them the guardians of the royal treasure of France; Henry III and his foreign favourites made the same use of the new Temple in London. The ransom of Louis IX from the Saracens, the dowry which Philip IV promised for the marriage of his daughter Isabella to Edward II, were both obtained from the Templars. Bills of exchange, letters of credit, pawnbroking, bill-discounting, tax-farming, advances on mortgage all fell within the scope of their operations, the whole being supported by the largest capital in Europe. They held, so Matthew Paris says, 9,000 manors by the middle of the thirteenth century; their possessions were found in every country in Christendom.

But suspicion had long been rife that the Templars were playing a double part. The failure of a siege of

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\* The mediaeval hostility to usury was, on the whole, justified. Borrowing was a desperate resort, not a legitimate commercial expedient; while the scarcity of capital made it practically certain that the land or tenements which formed the security for the loan would ultimately fall into the hands of the mortgagee.

Damascus in 1148 had been ascribed to their treachery, the disasters of St. Louis in Egypt to the same cause, while a long series of accusations of the same character indicates the general opinion that their dealings with the Infidels were more intimate than became a Christian Order. There is necessarily an element of truth in the accusation. Continuous hostility to the unbelievers might be an excellent theory to proclaim in France or England; in practice, and in Syria, at least an intermittent peace was inevitable. A territorial power, as the Order strove to become in the East, was bound to have occasional diplomatic relations with its neighbours, whether Christian or Infidel. Again, the same attempts at territorial development on the part of the Order explain their hostility to the interference of a European king in Eastern affairs.

More serious and more doubtful were the insinuations which for at least half a century had been directed against the faith and morals of the Order. These have been examined with great care by Michelet and, even more elaborately, by Loiseleur, with the result that one cannot pronounce definitely as to the truth or falsehood of the accusations. It appears, however, to be well established that the rite of initiation did include the "spuitio super crucem"—perhaps in the same way as the initiate in the modern Mafia is reported to certify his courage by firing at a crucifix. It is also clear that on the Continent, except in France and at Florence, they were held to be innocent of the charges brought against them. On the other hand, it is at least probable that the French province of the Order was infected by Satanism and other strange heresies as well as by the practice of nameless Oriental vices.

It was not, however, to any decline in their faith and morals but to the political conditions of Western Europe that the fall of the Templars was due. Their accumulated wealth made them an object of jealousy,

particularly to the nobles and princes who were in their debt, their efficiency as an instrument for the conquest of the Holy Land might well be doubted, and the union and reorganization of the military orders had been proposed more than once during the thirteenth century, but, most important of all, they were a powerful anti-national element at a time when men's minds were strongly swayed by the national idea. The tendencies of the times are best illustrated by the history of France during the reign of Philip IV.

Consolidation—the removal of anomalous jurisdictions and the extension of the royal revenues—was the essence of that king's policy. Hence a struggle between Church and State, between France and Italy. On the one hand, *Clericis laicos* and *Ausculta fili*, aiming at the permanent exemption of the clergy from national taxation and the establishment of papal supremacy over temporal princes ; on the other hand, royal appeals to the patriotism of the lay estates and the warning of 1302 to the French clergy that if they took part in the Roman council their goods would be forfeited. Fate or fortune removed the powerful Boniface VIII, and enabled Philip to replace him by his creature Clement V. With such an agent at his command, Philip naturally dealt with the Templars. The Hospital was practically a French order, and therefore no impediment to the national movement ; the Temple was inter-national, its French command in France, but not of France ; the Order might be a terrible weapon in the hands of a strong Pope. Thus the Order of the Temple fell, not through its vices or its imperfections, but through its very strength and anti-national efficiency ; not the Council of Vienna nor Clement V pronounced its doom, but the growth of the national spirit and the exigencies of French politics.

## VI.

A LETTER FROM PHILIP LE BEL, KING OF FRANCE, TO  
ARCHBISHOP GRENEFELD, RESPECTING THE TRIAL OF  
THE TEMPLARS.

The Letter is not dated : it must have been written within the years 1308-1310.

[Grenfeld Reg., I, f. 178].

Philippus, Dei gratia Franciae Rex venerabili patri dilecto nobis in Christo ejusdem gratia . . . Eboracensi Archiepiscopo salutem et unice dilectionis affectum. Noverit vestra sinceritas qualiter his diebus Magister totius Ordinis Templi et Franciae et ultramarinae Normanniae Aquitaniae et Pictaviae praeceptores majores, necnon maxima multitudo fratrum ordinis, si debet Ordo dici, alii in sanctissimi patris summi pontificis et Cardinalium omnium praesentia, alii coram quibusdam Cardinalibus ad eosdem per sedem apostolicam destinatis, et alii coram Archiepiscopis Episcopis et inquisitoribus haereticae pravitatis, poene in omnibus partibus regni nostri singulariter ac sponte et absque terrore cujusque et coactione, qualiter sunt confessi quod est consuetudo dicti Ordinis, immo juris . . . . . quod in receptione cujuslibet qui recipitur Christum abnegat, supra crucem quae eidem ostenditur sput in vituperium crucifixi, ad multa scelera et crimina detestabilia inimica fidei Christianae et hujusmodi disconvenientia rationi se obligant, et ea promittunt complere ; propter quae idem summus pontifex urgente adhuc eundem officio debito pastoralis mandavit ipsos ab omnibus Christi fidelibus tanquam haereticos et de haeresi vehementer suspectos ubique terrarum arctius evitari. Mandamus nihilominus eos capi ac per vos et alios locorum ordinarios contra ipsos qui aliter praemissa non sunt confessi de praemissis inquiri. Nosque desiderabiliter affectantes tam horrendorum criminum et nefandorum haeresium virus ad laudem Christiani nominis et honorem Sanctae Catholicae

fidei comfutari et exterminari, immo honorificis viris et discretis Alberto monacho Latigniaci et Magistro Sycardo de Vauro, praedicti summi pontificis Capellanis, ad inquirendum circa singulares personas dicti ordinis in Regno Angliae et totum Ordinem ad regnum praedictum per sedem apostolicam specialiter destinatis, copias processuum et confessionum in summi pontificis praedicti et Cardinalium ipsorum et quorundam praelatorum regni nostri et Universitatis studii Parisiensis factorum duximus transmittendum, ut per processus eosdem super praedicto negotio vos et ipsi possitis plenius informari, et aliqualem forsitan, si necesse fuerit, instructionem habere. Benevolentiam vestram affectuose rogantes et in domino Jesu Christo hortantes ut vos estis in partem sollicitudinis [nostrae] tamque honorabile et fulgidum membrum ecclesiae sanctae Dei, in prosecutione dicti negotii pro stabilitate fidei Christianae ita potenter et hilariter vestrae prudentiae et sollicitudinis studium exponatis et efficaciter laboretis, quod ad omnipotentis Dei, cujus negotium geritur, procedatis ad gloriam et honorem praedictaque [vitia] pestifera, immo magis insana, per vestrorum et aliorum zelatorum nominis Christiani diligentem industriam extinguantur. Datum in Abbatia Longipontis Suessionum dioeceseos iij<sup>o</sup> festo Omnium sanctorum.

## VII.

This is a remarkable illustration of actual joint action of the two provinces. The two Archbishops, for themselves, their suffragan Bishops, and their clergy generally, had the following protest read by the Clerk of the Parliament, in a sitting of Parliament in the Jerusalem Chamber at Westminster; the protest was duly inserted in the Rolls of Parliament.

The Archbishops were William Courtenay, of Canterbury (1381-1396), and Thomas Arundel, of York (1380-1397). [Arundel was afterwards Archbishop of Canterbury (1397-1414)].



[Reg. Courtenay, Cantuar., f. 332 a].

In Dei nomine, Amen.

Nos Willelmus permissione divina Cantuarensis Archiepiscopus, totius Angliae primas, et apostolicae sedis legatus, et Nos Thomas eadem permissione Ebor. Archiepiscopus, Angliae primas et apostolicae sedis Legatus, protestamur publice et expresse pro nobis et suffraganeis nostris ac toto clero nostrarum Cantuarensis et Eboracensis provinciarum, quod nolumus nec intendimus alicui statuto in praesenti parlamento nunc noviter edito, nec antiquo praetense innovato, quatenus statuta hujusmodi seu eorum aliquod in restrictionem potestatis apostolicae aut in subversionem, enervationem, seu derogationem ecclesiasticae libertatis tendere dinoscuntur, quomodolibet consentire; sed eidem dissentire, reclamare, et contradicere, ac dissentimus, reclamamus, et contradicimus in his scriptis, prout semper dissensimus, reclamavimus, et contradiximus temporibus retroactis; et petimus quod hi nostri dissensus, protestatio, et contradictio per clericum parlamenti irrotulentur in fidem et testimonium eorum.

Hallum . . . . . interfuit.

PROTEST BY THE ARCHBISHOPS AND CONVOCATIONS. 1390.

<i>Protestatio facta per dominum in parlamento.</i>	}	Memorandum quod die Veneris ultimo die mensis Febr. A.D. 1389-90 Indictione xiii <sup>o</sup> pontificis sanctissimi in Christo patris et domini nostri Domini Bonifacii diuina providentia Papae noni anno primo, in Camera domini Ricardi Regis Angliae apud Westmonasterium, ubi parlamentum consuetum est teneri, prout ibidem tunc fiebat, Dominus unacum Archiepiscopo Eboracensi pro se suisque suffraganeis et clero in pleno parlamento coram dicto domino Rege, et in praesentia venerabilium patrum dominorum Roberti Londoniae, Willelmi Wynton- ensis, Cancellarii Angliae, Walteri Dunolmensis, Johannis
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Lincolniae, Henrici Norwicensis, Radulphi Bathonensis et Wellensis, Johannis Sarum, Johannis Menevensis et Johannis Herefordensis, Dei gratia episcoporum, necnon dominorum Ducum Aquitaniae et Lancastriae ac Ebor. et Gloucestriae ac Comitum Derbeie, Rotelandiae, Huntyngdoniae et Northumbriae aliorumque dominorum spiritualium et temporalium, ac comitatus ibidem in multitudine copiosa congregati, protestabantur palam et expresse juxta formam cujusdam schedulae quam fecit per clericum parlamenti publice legi; tunc ibidem etiam inseri petiit cum instantia in recordis et rotulis parlamenti in testimonium veritatis, cujus quidem schedulae tenor sequitur sub hac forma :—

## VIII.

A letter from the Chancellor and Treasurer of Richard II to put off the meeting of a Convocation. It does not appear that a similar brief was sent to York. This document is printed here, to show what powers over Convocation the Crown claimed and exercised.

[Reg. Courtenay, Cantuar, f. 82, 3 Feb., 1384].

<i>Litera cancellarii et Thesaurarii Angliae directa pro dicta Convocatione in suspensio ponenda.</i>	}	Honorablez sires et stables amys. Nous vous saluons sovent. Vous fessaunt a entendre que l'endemeyn de la Purificacion notre dame nous recevoms un breif de notre tres redoute seigneur le Roi, par lequiel il nous adprie et comaunde de faire une novelle convocation des prelatz et le clergie de notre province, entrecy et la dymange en demye quaresme. Dount mesmes les prelatz et clergie pourroient resonablement marveiller, coment que ils estoient si tard ensemblez en le temps del darrein parle- ment, et lors ils s'afforcerent de grauntier pour la defense de Rialme et seinte eglise quaunt quilz poient, et si avaunt, que si tout la summe grauntée por la viage de notre dit seigneur sereit levee deins cest an, as termes assignees a pein le busoigne se ferra saunz tres graund
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disease de eux. Per quey si ascun Convocacion serreit fait per la cause susdite, il nous semble que depuis les termes en graunt del darrein disme fount a les quinzimes du Paske et de seint Johan proschein avenir, il ne serreit mys affaire d'enssembler le clergie deinz les termes quar touz les causes, perils, et meschiefs, quy sount contenuz en le dit briefe et toutz autres queux nous et nos freres savoïems pensier ou deviser furent declarecz al darrein Convocacione anxi pleniement, come ils pourroient estre declareez a cest foiz, et leffect de quiler ce que serroit grauntée, si nul y serreit ne pourroit estre levee tanque mesmes les termes furent passeez et adonques et puis que nostre tres redoute seigneur serra en son honorable viage pour la defense de son Roialme, tout le clergie serreit en greindre voluntee de perfourmer ses desires que au present anxi come nous luy avons escript plus a plein. Sur quey, honorablez sires, nous vous prioms tres cherement de cuer, que vous plese eidier par votre bon mediacione que cest busoigne soit mys en suspense et sur ceo nous vuillez envoyer par vos lettres, votre bone et sage counseill et avys, si come vous desirrez lonneur et salvatione de seinte eglise, et le profit de notre dit seigneur le Roy, et de son roialme. Honourables sires et stables amys, le toutpuissaunt vous eit toutdys en sa seintisme garde. Escrip a Exem' (? Exmouth) le tierce jour de Fevrier.

## IX.

Edward IV's letter to the Archbishops on the Bull of Pius II, calling on the churchmen to levy a disme on the clergy.

[Reg. Bourchier, f. 22 b].

BY THE KING.

Moost reverend fadre in God, right trusty and right entierly beloved cousyn, we greet you hertely well. And where [as] our holy fader the pope determyned to putt his persone into the blissed viage by his hoolynesse

proposed ayenste the tyrannye and crueltee of the Turke, disposed to thextreme destruction of Christen feithe and religion, and of all Christes church, hath desired thassistance therein of divers grete and notable Christen princes ; and besides that, for the same intent, putte grete impositions and charges upon the Church in all other reaumes of Christendome, willynge and desiring the charge of a disme to be borne of the church of our reame of England towards the socour of the said viage by his bulles comen, as we here, into our saide reame ; we have the same church and all the clergie thereof in tendre love and affection, dreding the perill and inconveniencye that might followe by thexample of such imposition hereafter, whereof the lyke hath not been often times put in ure in the daies of our noble progenitours, right lothe to suffre such noveltie to take effect in our daies, be avised and condescended to send with alle diligence unto the said holynesse, not ounly for thexcuse and amotion of the execution of the said imposition, but also to entrete and moeve the same holynesse to spare and forbear to charge the said Chirch and clergie with the said imposition or any like therto ; whereunto we nowe might honourably resonably or thankfully moeve his said holynesse in this cause of so grete a purpose by him determined for the defence and salvation of the saide feithe and religion, namely, sith the charge of his desire to be born by the said chirch is not so grevous and weighty, as the charges and impositions by him lyede upon the chirche of all other reaumes ; without that that we take upon us a notable charge of gift of goode to hym towards the saide viage, in eschewing grett charges, that elles peradventur and be verry liklyhood wolde be laide upon the saide chirche and clergie otherwise in right perillous example, which we ne wold in any wise :—We therefore desire exhorte and pray you that it like you so to write severelles lettres to every your suffragans of your province, desiring exhorting and requiring hym for the said considerations to calle and assemble the clergie of his diocess,

exempt and not exempt, to a convenient place within the same, and there to exhorte move and require hem to graunte unto us a subsidie of such a notable summe of money to be leved in all hast, as mowe honourably resonably and thankfully please and content our said hooly fadre, and serve in tyme to the releve of the said viage, for the saide defence ; which shall be to the great pleasur of God, grete honour and laude unto our said reaume and grete ease rest and quiete of the clergie thereof, to be assured from the charge of the said impositions. And forasmuch as we understand that the collectours for the clergie of every of the said dioces assigned for to gedre subsidie or other thing by the same clergie graunted to us, or to other to our use hereafter, have drad and eschewed to be accomptable therof at our exchequier, We willing such drade to be amoved in this case have ordeyned and deputed our trusty and well-beloved maistres William Say, dean of our Cathedral church of Paules, Thomas Chicheley, archdeacon of Canterbury, and John Flemyng, one of our chappelains, Sir John Scotte, Knight, John Denham squyer and Thomas Colte, our counseillers, five four three or two of them, to be receivoirs of the subsidie to be graunted unto us in this behalf ; to whom the collectours of the same subsidie to be deputed by the said clergie, shall oonely be chargeable and not accompte in our said exequier. Yeven undre our prive seal at our towne of Notingham the seventeenth day of May (1464).

## X.

A monition from Archbishop Lawrence Booth in 1479 against paying of worship at the statue of Henry VI.

[Reg. L. Booth, f. 112 b, 113 a].

Laurentius, etc., dilecto vobis in Christo Magistro Willelmo Poteman, legum doctore ac nostrae curiae consistorialis Eboracensis officiali salutem, etc. Ex utriusque juris pagina inter alia didicimus quod non debemus



aliquem defunctum tanquam sanctum, quantumcunque bonae vitae fuerit, publice venerari, aut eidem palam et publice offerre, donec idem defunctus ab ecclesia et a Romano pontifice fuerit approbatus, ac ejusdem defuncti nomen in cathalogo Romani pontificis fuerit ascriptum : si quis vel qui contrafacere praesumpserit vel praesumpserint, secundum canonum instituta punietur et punientur, cum ecclesia militaris saepe fallit et fallitur. Nonnulli tamen nostrae Eborum dioeceseos Christi fideles, praemissorum canonum scioli, ipsis canonibus spretis et neglectis, auctoritate propria, et auctoritate ecclesiae sive Romani pontificis minime suffulti, locum ubi statua sive imago Henrici VI, quondam de facto regis Angliae, in ecclesia nostra metropolitana Ebor. situabatur, venerari et ibidem publice offerre praesumunt, quanquam ipsius corpus non ibidem sed aliunde sit humatum, in contemptum ecclesiae universalis et in vilipendium domini nostri Edwardi Anglorum regis quarti, aliorumque Christi fidelium exemplum perniciosum : quare vobis firmiter injungendo mandamus quatenus moneatis omnibus et singulis decanis totius nostrae Eboracensis dioeceseos, quatenus ipsi decani et eorum quilibet, omnibus et singulis in ipsius seu ipsorum decanatu vel decanatibus, moneat seu moneant, cum effectum, quos etiam nos praesentium tenore monemus quod ipsi et eorum singuli de caetero ab hujusmodi veneratione dicti loci in praedicta nostra ecclesia metropolitana Ebor. se abstineant sub poena juris ; Intimantes omnibus et singulis Christi fidelibus dictae nostrae dioeceseos si contra prius nostrum mandatum aliquid attemptare praesumpserint, seu praesumpserit aliquis eorundem, quod nos eosdem taliter puniemus quod ceteri exemplo perterriti consimilia perpetrare formidabunt. Datum, etc., apud Scroby 27 Oct. A.D. 1479 et nostrae translationis anno iv.

This tendency to turn a party leader into a saint appears also at York at an earlier date. Soon after the scandalous execution of Archbishop Scrope in 1405 it became necessary for King Henry IV's party to forbid

political worship to be paid by gatherings of his disaffected York subjects in the Minster at the Archbishop's tomb, and to order a cessation of miracles, as did the autocrat, Louis XIV, with the wonders wrought at Port Royal.

## XI.

### THE SUBMISSION OF THE CLERGY, AND RESTRAINT OF APPEALS (1534).

[25 Henry VIII, c. 19, and Statt. at Large IV, 283].

(1) Where the King's humble and obedient subjects, the clergy of this realm of England, have not only knowledged according to the truth that the Convocation of the same clergy is, always hath been, and ought to be assembled only by the King's writ, but also submitting themselves to the King's Majesty, have promised *in verbo Sacerdotii* that they will never from henceforth presume to attempt, claim, or put in ure, or enact, promulge or execute any new Canons, Constitutions, ordinance Provincial or other, or by whatsoever other name they shall be called, in the Convocation, unless the King's most royal assent and licence may to them be had, to make, promulge and execute the same; and his Majesty do give his most royal assent and authority in that behalf;

(2) And where divers constitutions, ordinances and canons provincial or synodal, which heretofore have been enacted, and be thought, not only to be much prejudicial to the King's prerogative royal, and repugnant to the laws and statutes of this realm, but also overmuch onerous to his Highness and his subjects; the said clergy hath most humbly besought the King's highness, that the said constitutions and canons may be committed to the examination and judgement of his Highness, and of two and thirty persons of the King's subjects, whereof sixteen to be of the upper and nether house of the parliament of the temporalty, and the other sixteen to be of the clergy

of this realm ; and all the said two and thirty to be chosen and appointed by the King's majesty ;

(3) And that such of the said constitutions and canons, as shall be thought and determined by the said two and thirty persons, or the more part of them, worthy to be abrogated and adnulled, shall be abolite and made of no value accordingly ;

(4) And such other of the same constitutions and canons, as by the said two and thirty, or the more part of them, shall be approved to stand with the laws of God, and consonant to the laws of this realm, shall stand in their full strength and power, the King's most royal assent first had and obtained to the same ;

(5) Be it therefore now enacted by authority of this present Parliament, according to the said submission and petition of the said clergy, that they ne any of them from henceforth shall presume to attempt, allege, claim or put in ure any constitutions or ordinances provincial or synodals, or any other Canons : Nor shall enact, promulge or execute any such Canons, Constitutions or ordinances Provincial, by whatsoever name or names they may be called, in their Convocations in time coming (which alway shall be assembled by authority of the King's Writ), unless the same clergy may have the King's most royal assent and licence to make, promulge and execute such Canons, Constitutions and Ordinances Provincial or Synodal ;

(6) upon pain of every one of the said clergy doing contrary to this act, and being thereof convict, to suffer imprisonment and to make fine at the King's will. . . . .

(7) Provided also That such Canons, Constitutions or Ordinances and synodals provincial being already made, which be contrariant or repugnant to the laws, statutes, and customs of this Realm, or to the damage

or hurt of the King's prerogative royal, shall now still be used and executed, as they were afore the making of this act, till such time as they be viewed, searched, or otherwise ordered and determined by the said two and thirty persons, or the more part of them, according to the tenor, form and effect of this present act.

## XII.

[Wilkins, *Concilia*, IV, 341, date (most probably) 1589].

[MS. Coll. Caii, Cantab., 197 (7)].

ORDERS TO BE OBSERVED OF EVERY BISHOPPE IN HIS  
DIOCESE WITHIN THE PROVINCE OF YORKE.

I. Imprimis, that noe byshoppe shall make any mynisters, but first shall geve publique notice thereof, and shall make none but suche as be of his owne dioces or of ye Universityes, and that they bringe with them good testimonie of their conversation and former lyfe, and shalbe thoroughly examined by ye byshoppe himself and other of ye learned clergie, whether they have bene students of divinity and are able in ye Latyn tongue to shewe forthe ye scriptures, whereupon ye articles of religion agreed upon in ye synod are grounded. And that this action of admytinge any into ye ministerie be done in publique place, accordinge to ye order of ye booke of making of mynisters in yt behalfe provided and establisht. And that none be admyted into ye mynistry but suche as doe knowe where presently to be placed. Ye byshoppe yt will not daunger his soule must be carefull herein: "Ne cito cui manus imponas" saith Paul; for ye makinge of unworthy mynisters hath turned to ye great sclaunder of this church of England.

II. Item, that ye censure of excommunication be avoyded so muche as may be in tryfeling matters; for this high censure of ye church is to be executed chiefly in great and cryminall causes.

III. Item, that noe commutation of pennaunce be used, but only by the bushoppe, and then when he shall evidentlie perceyve that ye offender may rather be wonne thereby than by corporall punishment; yet let it be knowne openlie in his parishe churche that he acknowledged his faulte before his Ordinarie, submytted himselfe, and geven suche a peece of money for the releife of the poore, as a frute of his repentaunce: The whole sune wherof shalbe delivered to ye mynister and churchwardens; they to distribute the same amongste also the poore of the parishe, and to certyfie the byshoppe of their doinge therin.

IV. Item, that noe dispensations for not askinge bannes of matrimonie be graunted, but under sufficient and large bonde with these conditions followinge:—That afterward there shall not appeare any lawfull let or impediment by reason of any precontracte, consanguinitie, affynitie, or any other lawfull meanes whatsoever. And, secondlie, that there be not at that present tyme of grauntinge such dispensations, any sute, plaint, quarrel or demaunde, moved or dependinge before any judge ecclesiastical or temporal for or concerning any such lawful impediment betweene ye saide parties. And, thirdly, that they proceede not to ye solemnization of the maryage without consent of parents or governours. And that noe suche lycence be graunted or bond taken without ye expresse consent of the bysshoppe himselfe.

V. Item, It is carefully to be consydered yt none be admytted into the ministerie, ether allowed preacher in any dioces, except he or they first subscribe to ye articles of religion established and allowed of. And yt every one that hath or shal have any ecclesiastical lyvinge with cure, beinge a mynister, shall once in ye yeare in ye place where he hath charge, mynister the holie Communion in his own person accordinge to ye order sett doune in the booke of Common prayer. And her majestie hath advised the byshoppes that none be admitted a preacher under the age of xxviitie yeares.



VI. Lastlie Publique fests and such unwonted assemblies without sufficient authoritie are not to be suffered, but utterlie prohibited.

E. Ebor.\*

Matthewe Hutton.†

Rob. Lougher.‡

Rich. Pearsy.

Wm. Palmer.§

These dates limit the period within which these Orders were issued. It seems probable that the actual date of the document is 1589.

### XIII.

ORDERS TO BE OBSERVED IN THE GOVERNMENT OF THE CHURCH, AGREED UPON BY THE ARCHBYSHOPPE AND BYSHOPPS OF THE PROVINCE OF YORKE, AUG. 1, 1591, WHEN THE BYSHOPPE OF DURHAM WAS CONSECRATED.

[MSS. Coll. Caii, Cantab., D. 37, f. 171].

I. IMPRIMIS, That the mynisters in every diocesse be exercysed with the studie and practise of the scriptures continuallie in such sorte as hath been accustomed in every severall diocesse, and that they render an accompte of their studyes and labores to their Ordinarie so often as they shall be required, tyll farther order be taken in his Grace's metropolitical visitation.

II. ITEM, That the saide mynisters do use all paynefull diligence in catechisinge the youthe and others of their parische, accordinge to her Majestie's injunctions, and other godly Canons in that behalfe provyded, or else to be censured by their Ordinaries, as the qualitie of the offence requireth.

\* Edwin Sandys, Archbishop of York, 1577-1589.

† Matthew Hutton, made Bishop of Durham 1589; he was Dean of York before, from 1567 to 1589.

‡ Robert Lougher may have been Principal of New Inn Hall, Oxford, and Fellow of All Souls in 1565.

§ William Palmer, Chancellor of York, 1571-1605.

III. ITEM, All non-resydents to be called home and constrayned to resydence upon their charge, so far as the lawe will warrant. And all those who be lawfullie absent from their benefyces, to maintain and keepe a godly preacher there duringe the tyme of their absence, at the discretion of their Ordinarie, yf the lyvinge be able to bear it.

IV. ITEM, Every preacher or expounder of the word in any church or congregation to be present at Common Prayer in the saide church or congregation, and to receive the communion there four times in the yeare at the least.

V. ITEM, If any minister be known not to observe the orders of the book of Common Prayer, in saying the service and administering the sacraments and other rytes and ceremonies therein conteyned, that he be sent for presently and injoynd to reform his disorder, and to certifie his saide reformation; which if he do not, then ordinary proceedinge to be used against him, according to lawe.

VI. ITEM, All recusants and specialie those of the best sorte, to be proceeded against effectuellie, and speedilie, so farre as the law will yeelde power.

VII. ITEM, Those that do not communicate, to be dealt withal by the Ordinarie in such wyse and godlie manner, as shall seem best unto him for their reformation.

VIII. ITEM, Noe permutacion of any penance to be made by any officer whatsoever without special lycense from the Ordinarie under his hand.

This letter arises out of the Canons of 1604, which were valid for both provinces.

## XIV.

A LETTER TO DR. ABBOT FROM KING JAMES I ABOUT  
THE PROCEEDINGS OF CONVOCATION.

[Welwood's Memoirs, p. 32].

Good doctor Abbot,

I cannot abstain to give you my judgement of your proceedings in your convocation, as you call it ; and both as "*rex in solio*," and "*unus gregis in ecclesia*," I am doubly concerned. My title to the crown no body calls in question, but they that neither love you nor me ; and you guess whom I mean. All that you and your brethren have said of a King in possession (for that word, I tell you, is no worse than that you make use of in your canon) concerns me not at all ; I am the next heir, and the crown is mine by all rights you can name, but that of conquest ; and Mr. Solicitor has sufficiently expressed my own thoughts concerning the nature of Kingship in general, and concerning the nature of it "*ut in mea persona*" ; and I believe you were all of his opinion ; at least none of you said ought contrary to it, at the time he spake to you from me. But you know all of you, as I think, that my reason of calling you together was to give your judgements how far a christian and a protestant King may concur to assist his neighbours to shake off their obedience to their once sovereign, upon the account of oppression, tyranny, or what else you like to name it. In the late Queen's time this Kingdom was very free in assisting the Hollanders both with arms and advice. And none of your coat ever told me that any scrupled about it in her reign. Upon my coming to England you may know that it came from some of yourselves to raise scruples about this matter. And albeit I have often told my mind concerning "*jus regium in subditos*," as in May last in the Starchamber, upon the occasion of Hales his pamphlet, yet I never took any notice of these scruples, till the affairs of Spain and Holland forc'd me

to it. All my neighbours call on me to concur in the treaty between Holland and Spain ; and the honour of the nations will not suffer the Hollanders to be abandoned, especially after so much mony and men spent in their quarrel. Therefore I was of the mind to call my clergy together, to satisfy not so much me as the world, about us, of the justness of my owning the Hollanders at this time. This I needed not have done, and you have forced me to say, I wish I had not. You have dipped too deep into what all kings reserve among the "*arcana imperii*." And whatever aversion you may profess against God's being the author of sin, you have stumbled upon the threshold of that opinion, in saying upon the matter, that even tyranny is God's authority, and should be revered as such. If the King of Spain should return to claim his old pontifical right to my kingdom, you leave me to seek for others to fight for it ; for you tell us upon the matter before hand, his authority is God's authority, if he prevail. [Thus far the secretary's hand, as I take it ; the rest follows in the King's own hand].

Mr. Doctor. I have no time to express my mind further in this thorny business, I shall give my orders about it by Mr. Solicitor, and until then meddle no more in it, for they are edge tools, or rather, like that weapon, that's said to cut with one edge and cure with the other. I commit you to God's protection, good Doctor Abbot and rest

Your good friend,

James R.

## XV.

### NOTE ON THE POSITION OF DECANI.

The Deans were usually summoned with other dignitaries to Convocations ; and for the most part they were doubtless the persons at the head of the Cathedral clergy, though this sometimes would not suit the case. In many cathedrals no such officer appears till the time

of the Reformation ; he then, fulfilling the old statement that the Prior and the Dean were really the same person, came into public notice, as the head of the newly created capitular body. On the other hand, when "Decani" are summoned, there is no indication whether they were the two main sets of Deans (or one of them) with which we are now familiar, *i.e.*, the Deans of Cathedrals and the Rural Deans, or whether the name meant only those deans of capitular or conventual churches, of whom some few, such as the Dean of Bocking in Essex and the Dean of Battle in Sussex still remain. There is, unfortunately, no proof that any Deans responded to the summons save those of the Cathedral cities. The lists of names (with the exception of the Provinciale Concilium of 1310) do not begin till the Reformation time. The title may come from the "head man of ten," and there seems some ground for the assertion that an attempt was made to organize the Benedictine Houses into groups of Decuries of ten, the first of each of these being the Dean.

The use of the plural word, "decanos," placed sometimes before, sometimes after Archidiaconos in a document addressed to the Bishop of Durham, proves that it must refer to deans other than the Deans of Cathedrals. In the Palatinate Diocese there were Deans of Darlington, and of Lanchester. We know that the "Cathedral and Collegiate Churches" were summoned to send their representatives. This may account for the plural form.

## XVI.

### THE DECANUS CHRISTIANITATIS.

The Dean of Christianity, whose name appears in the Commission issued by Archbishop Grenfeld in 1310, was an officer charged with grave duties. We learn that he had to look into cases of misconduct among the clergy, to hear confessions, impose penances, and, as in this special case, to act as jailor, keeping religious persons, such as the Templars, under lock and key in the Castle



at York. He was responsible for them, and had to produce them, when so ordered by the Concilium Provinciale. I have found a most interesting paper in the Treasury at Durham: a mandate addressed to the Dean of Christianity of the Diocese of Durham by the official of Bishop - Skirlaw in 1396. This Dean of Christianity, William of Esshe (near Durham), is bidden to cite the Prior and Convent of Durham, the Archdeacon, all Deans of Collegiate Churches, rectors, vicars, and masters of Hospitals to appear in St. Nicholas' Church in the market-place of Durham city to elect a proctor for the Archdeaconry of Durham. He undoubtedly was a Rural Dean, and fulfilled these and other duties.

When Dr. Burn, in his *Ecclesiastical Law*, 1763, treats of Deans and Chapters, he tells us that there are four kinds of Deans, but he does not name this special officer. It cannot be doubted that the special officer styled the Decanus Christianitatis was really the Rural Dean of the district round the Cathedral. Mr. Dansey, in his exhaustive work, the *Horae decanicae rurales* (2 vols., 1836), collects a mass of documentary information respecting Rural Deans generally, as well as about the corresponding offices of the Periodetae, the Archipresbyteri, the Protopappae, and the often-discussed Chorepiscopi. In his researches he often meets with this special title of Decanus Christianitatis, in England and abroad, and he seems to show that he was a kind of chief or central Rural Dean. His duties were the same, though enlarged, as those of other Rural Deans. He appears chiefly to have had a broad charge of the moralities and conduct of the clergy.

We find the office named in 1254, under that Bishop Walter of Norwich, who was the originator of the Taxatio Norwicensis. Walter Suffield was then acting as the Pope's agent for the collection of money towards a Crusade (Dansey, II, 419). "Negotii Crucis executor a sede apostolica delegatus . . . Decano Christianitatis

de Lafford," so that Bishop Suffield was calling on the chief Rural Dean of Lincoln Diocese, for Lafford is not far from Lincoln. And the Lincolnshire Dean of Christianity is called on also to stop the desecrations which were taking place in the churchyards of Lincoln City. This was in 1294.

Though in the middle ages we find the Archdeacon already superior to the Archpriest, still, as White Kennet tells us in his *Parochial Antiquities* (II, 345), "the antiquity of the Deans of Christianity was much greater, and their office more honourable than that of the Archdeacons." As, however, the archidiaconal office extended in authority over a larger area than that occupied by the Archpriests, and came into far closer communication with the Bishop of the Diocese, the Archdeacon soon grew to be the more important of the two, so that, while the one could be said to be at the head of the priesthood, and the other had in theory only the care of the diaconate, the Archdeacon has ever been distinctly above the Rural Dean, even though the latter might be the Dean of Christianity.

Somner, in his Glossary, says of this office, "quam recentiores Decanum Ruralem, et exteri 'Archipresbyterum vicarium,' antiquiores Angli 'Decanum Christianitatis' vocarunt," so attaching this office to the name of Archpriest. And Gibson, speaking with some hesitation in his *Codex Juris Ecclesiae Anglicanae* says that it was only the "Decanus Urbanus" who was styled the Dean of Christianity. This seems to be correct. Mostly these officers were attached to Cathedral cities; not always: we find one at an early time at Ripon.

There is a variation in the title in a document of Mechlin in the Low Countries, where the "Archipresbyteri seu Christianitatum Decani" are named; and in another place we read, at the head of a row of queries, "An Decani Christianitatum suis Christianitatibus diligenter superintendant?" This phrase occurs in Articles of Enquiry

for the Rural Deaneries, issued in 1550 by Archbishop Rudolf of Cologne. Similarly in 1768 Bishop Francis Warrans of Ypres calls them his "Decanos pastorum pastores," and there is another form of the title and office, at Brixen, where the Bishop reserves to himself the power of creating "Archidecani, qui pluribus regionibus cum potestate pleniore praesint" (Dansey, II, 277), so, apparently, giving an "Archdean" a still wider position. The office appears to have been in full force and use throughout northern Christianity, and specially in the days which Ranke aptly calls the time of the Counter-reformation, in the time of the reaction carried out so skilfully by the Jesuits.

The title occurs, about 1574, at Tournay, Liège, Ypres, Bruges, Malines, Ghent, Herzogenbusch. At Ghent, in 1550, the title was rather Archipresbyter, and Decanus Christianitatis is brought in only as an explanatory name. Thus Bishop Triest of Ghent says, "Mandamus et ordinamus ut pastores sacellani et beneficiati quicunque Archipresbyteris suis, Christianitatis Decanis, juxta juramentum, etc., tradant exactum specificationem bonorum" (Dansey, II, 254). In France also there was such a Dean at Bayeux (1662), Besançon, Sens, Arras, and Étampes, "les Doyens de la Chrétienté et ruraux." In Germany, Archbishop Max of Cologne uses the title in a formal document: "Ego N. Decanus Christianitatis." In England the title is widely distributed, though it does not often appear. We have it at Canterbury and York. White Kennet tells us that "the Dean of Arches was at first only the Urban Dean in London, or the Dean of Christianity." We find him also in Durham, Leicester, Exeter, Worcester; in Ripon, too (*Ripon Chapter Acts*, Surtees Soc., vol. 64, p. 47, note 2). At Dublin the first Rural Dean was so designated; he is first mentioned in 1214.

The chief duties entrusted to him were to bless books, to note the condition of images, seats, epitaphs,

inscriptions, in churches. Thus he occupied the position of a modern Chancellor, with his faculties. In some parts he had to collect funds, as we have seen under Bishop Suffield in 1254; he had also charge of Church fabrics. At Bruges the licenses to preach or hear confessions had to be exhibited before him, and he had the usual care of morals. A synod of Bruges in 1571 laid down his special duties, under the title of "*De diversis decanorum Christianitatis officiis.*" He could grant dispensations to millers and brewers for working on Sundays and holidays. At Sens, at an earlier date, 1415, he had the following remarkable duty:—"Clerici ribaldi . . . . maxime qui dicuntur de Familia Goliae . . . per Decanum Christianitatis tonderi praecipiantur vel etiam radi," lest these buffoons should be taken for duly tonsured clerks. The "*familia Goliae*" is a name of quite uncertain origin, given to those "*gaillards*," or merry rascals, who wandered about the world, perhaps gypsies, amusing the idle public with coarse jests and buffoonery. It has been suggested that the name comes from the big rough fellow Goliath, sometimes a character in miracle plays. The origin of the word is quite uncertain.

At Antwerp these Decani had quite unusual duties, arising from the fact that the city was a port of entry. "*Decani Christianitatis administrabunt sacramenta sacerdotibus externis . . . aut exequias,*" and every midwife had to appear before him to be examined touching her faith, so watching off heresy from the first beginnings of life (A.D. 1610). He had also to check usury: at synods he should appear in alb and stole, while the common priest came in a surplice only. At an early time this decanus had charge of the "*cura fori poenitentialis.*" He seems to have invaded, in Henry III's days, the Courts Christian, presiding therein; here, however, the lay power resisted, and he failed to secure his rule in these Courts (Dansey, II, 102).

We have not much information about the Dean of Christianity at York. What is known has been mainly collected by the Rev. T. Solloway, Rector of Holy Trinity, York, for whose help and benefit of knowledge I owe warm thanks. In Domesday the district to the West of the City was called Christ Church; "later on it was known as Christianity, now it is called Ainsty." It is not known when it was first so called, or when it ceased to be styled the Deanery of Christianity—indeed the title still appears in the York Diocesan Calendar. Mr. Solloway suggests that the word Christianity often being contracted to "Xtianity," the central Dean came in the end to be styled the Dean of Ainsty. Documentary evidence seems to point another way, for in a document of Richard I (1190) we find that the men of the Wapentake "de Heynsti" are quit of all forest burdens; this form of the word, coming so early, is quite against the contraction theory from Christianity to Xtianity, and thence to Ainsty. Anyhow, this Ainsty, which still gives the name to the Rural Deanery, was closely connected with York city. In one place in a list of the Diocesan Rural Deaneries we find the first position given to "The Deanery of Ainsty and York," and that special Deanery was the district under the Dean of Christianity. This Dean, as I have noticed already, was a man of importance: he was entrusted with the infliction of penalties on clergy; and had custody of the keys of the dungeons in York Castle, when the Templars lay there. The present Holy Trinity Church at York was formerly spoken of as "Christ Church near the City," and in the Chantry Survey Report the Churches of York are all grouped together as being under the supervision of the Dean of Christianity.

A very curious play on the phrase can be found at a much later time. Edward Brown, speaking of Dr. Tillotson, then Dean of Canterbury, says that he was "worthily to be called a 'Dean of Christianity,' because



no man in that age taught Christianity more happily than he did."

## XVII.

## QUEEN ANNE'S BOUNTY.

The profits of Annates or First Fruits were long claimed by the Pope, and were supposed to be paid into a fund for the defence of Christianity against the infidel. This tax came to be paid, in due time, not by the Bishops only, but by every clerk admitted to any benefice. This continued in usage till the 25th year of Henry VIII, when that strong monarch, having received a petition from the Convocation of Canterbury, begging him to take away the impost of Annates, then still paid to the Roman Curia, such action to be a relief to the suffering Bishops, took the hint, and determined to cut off from this foreign power all the sources of revenue he enjoyed from these Annates, etc., of Archbishops and bishops, and to divert them into his own exchequer. This was strengthened by a further act or statute passed 26th Henry VIII, under which it was ordered that the first-fruits of every benefice, as well as those of the bishops, should be paid henceforth not to the Pope, but to the Crown. Further legislation took place in 33 Henry VIII to stop the outflow to Rome. This was naturally suspended by Queen Mary. On the accession of Elizabeth, the act of 32 Henry VIII was once more put in force. So this heavy tax stood, through the Stuart days, and William III was not minded to let so considerable a source of income, clear of Parliamentary votes and obligations, fall out of his hands. In the early days, however, of Queen Anne, when the Anglican and Tories were pressing for more severe measures against the equal political rights now conceded to the Nonconformists, it became a difficulty for the Queen, then much influenced by Marlborough, to know how to refuse the Churchmen this, on which they had set their hearts. They wanted to make it impossible for the Nonconformists to avoid

exclusion from office by "occasional (*i.e.*, once a year) conformity" of receiving the Eucharist in Church form, and the Queen, unwilling to "dish the Whigs" in this emphatic way, made it clear, to her own age and to after times, that the Crown was not to be made the tool of one political party. Marlborough was now a "decisive influence," as Ranke calls him, with Queen Anne; and in 1702 he risked the political ill-will of the Tories, secure in the Queen's favour, and took up at once the position in foreign warfare that had lately been held by William III. And when the crisis of the war against France drew near, and the Tories thwarted the Duke where they could, and roused the Church party to enthusiasm for what they desired, the passing of the Bill against occasional conformity, Marlborough saw that, if the war should go on, he must disarm some of this hostility; for the opposition did not hesitate to say that it cared more for the passing of this Bill than for all the Allies of England on the Continent.

Then it was that Marlborough, feeling the crisis had come, persuaded the Queen, (who was not ill-inclined to it, through her affection for the Church), to recover the goodwill of Churchmen by a huge offer of support, a kind of veiled bribe. She consented willingly to offer to the Church, through the Convocations, those Annates or First-fruits, as well as certain Tithes, which came to the Crown from the days of Henry VIII. This was the origin of that famous "Queen Anne's Bounty," which aimed at raising the stipends of the poorer benefices to at least "a living wage." It is a way of restoring to the Church that tax which had first been levied on benefices by the Papal needs; restoring it only to the poorer clergy. The Fund thus established in 1704 was, one may say, a part cause of the great triumph of Marlborough at Blenheim. For it was after this transaction had been agreed to by the Queen that he again left England, and, taking his fortunes in his hand, to the astonishment of Europe,

left his bases, abandoned his line of retreat, and marched from the lower Rhine to the Danube. "He made no secret of the truth, that if his campaign failed he was lost."\* The consequent Battle of Blenheim gave a limit to the supremacy of Louis XIV on the mainland of Europe.

Queen Anne's Bounty is in the charge of certain governors appointed by Royal Charter. It seeks to augment poor livings in the Church of England, and to help the clergy, by loans to build their residences, farm houses, &c. The Governors have in charge a fund of more than six millions of pounds. It has been suggested, after a Parliamentary enquiry, that this body of Governors should be amalgamated with the Ecclesiastical Commission. But nothing in that way has been done. The thanks of the Convocation of York, couched in duly obsequious terms, were agreed to on 21st February, 1704.

### XVIII.

In a little 12mo MS. note-book, in the Hunter Collection, preserved in the Library of Durham Cathedral, I have discovered that Dr. Isaac Basire, Archdeacon of Northumberland, had filled the most part of five pages with headings, apparently intended for a speech to be made in Convocation at York in 1668 or 1669. The notes are very rough, and almost universally contracted. He was also in the habit of using a kind of shorthand, which appears in one entry.

Dr. Basire was a Jersey man, who was rising well in the favour of Charles I when the Civil War broke out. When Oxford fell into Parliamentary hands in 1646, he left England, and went into the East, to Palestine, Mesopotamia, Constantinople, and elsewhere, in the desire of spreading among the Eastern churches a

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\* Ranke, *Hist. Engl.* (Eng. ed.), V, 320.

knowledge of the forms and doctrines of the English Church. His knowledge of medicine opened the way for him. While abroad he was created Professor of Theology in the Weissemburg University in Transylvania. When the restoration time came he returned to England, recovered his benefices, was made Archdeacon of Northumberland, lived mostly at Durham, died in 1676, and lies buried in the Cathedral churchyard in that city.

HUNTER MSS., 137. ARCHDEACON BASIRE'S NOTE BOOK,  
1664-1676.

F. 9, '65.

CONVOC.

*v. jastos Ebor.*

Propound viol. of Lib<sup>t</sup> eccles. and M. Ch.

1. Clergy included tho not expressed in y<sup>e</sup> stat. for Bridges.\*

2. Aggr. by Judges Declar. and B. includ. with y<sup>e</sup> Glebe, y<sup>e</sup> Tithes, ten. L. Cooke.

3. Tho Stat. expire at Lady—D. 1665 yet Prud. praevides (?) a Precedent.

4. Formerly assessed only by o<sup>r</sup> selves (*τα Αρχαία Nic*).

5. Clergy, antehac, never included except where expressed (Privilegior. Reg.) specialib<sup>s</sup> non derogatur per generalia.

6. If valet in 6d, then p eand. Regulam in 6. o<sup>lib</sup> (yn clergy y<sup>e</sup> only slaves in y<sup>e</sup> Kgd. for all other states have y<sup>r</sup> Repres. to consent).

7. Remedy, Peti'on of y<sup>e</sup> clergy, in corpore, to y<sup>e</sup> K. (y<sup>e</sup> Ks. Coron. O.) for an Act of P. to (Protector Ecclāē) declare y<sup>e</sup> immunitys of y<sup>e</sup> clergy.

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\* It is probable that Archdeacon Basire is here referring to an Act for Bridges passed in the year 1670.

8. Y<sup>n</sup> not Ks Declar. but A. of P. revoke stat. as Illeg. and not to be drawne into Ex'ple 2. y<sup>t</sup> clergy not lyable to aggress<sup>ns</sup> but such as {granted } by Convoc. {assented }

as subsidys.

9. If Convoc. negl. wrong { 1 semet } ii K. vii 9. { 2 Trustees }

Esth. iv. 14.

10. If wee have nothing of o<sup>r</sup> owne y<sup>n</sup> wee can grant nothing g<sup>o</sup> not subsidys.

11. Coercive power. \* Negl. of extem. effect of Excom. Sep. accord. to Can. 65.

\*12. Coercive way for Church ceasses.

\*13. Excom. ag<sup>st</sup> P. fanat. y<sup>r</sup> Quiets ē.

14. Baptised in y<sup>e</sup> schisme, without Godfathers, scruple at answ. in Catech.

15. By what Law or Can. Pr. bound to travell from Commun. Tab. to Pews to admin. Euchar.

16. Utrum conscia errans urgeri possit ad obedi'am, con. consc. in sensu composito ?

17. Infrequ. of Coiōñs.

18. Promiscuous Coiōñs (espec. of Reb. sans Restit.) now after so long a schisme dangerous.†

\*19. Stand. at y<sup>e</sup> ΨΨ (f. per canones) et adorāō in Introitu, to be made Cann. (Judge ∴ j. . . δγ ! s. . .] to ∴) Many forbear y<sup>e</sup> Court and Cathedr. even for y<sup>t</sup> tho allow y<sup>e</sup> Thing, Iff lawf. enjoyned.

20. Scruple y<sup>n</sup> about Stand at Gloria Prī (easterne Ch. stand at ψψ. bow at Gl. P.) to testify Ador. of Whole bl. Trin. ἀμερίστῳ προσκυν. Naz.

21. Remisnes of o<sup>r</sup> Ch. ag<sup>st</sup> min. espri  
Apostates  
Exomologes

† Above line, "Snare Sc. Tunstall."



con. libellatici primitus. / Recant. Newss (?) in Cathedr.  
nec in fine Cōidēm. But Angli duxere Convic. (?).

\*22. Defect. offic. pro perambulatione.

\*23. Of spec. Prayer for Sick upon Litany, amen-  
tibus, surdis et pro damnatis capite.

\*24. Utinam hic excitaret<sup>r</sup> Coll. de propag. F. <sup>after O.</sup>

25. Artic. in y<sup>e</sup> Commin. ag<sup>st</sup> Navall' (?) 1 Sacril.  
2 Prb. 3 Perjury. 4 Robbery—without Restit.

26. Cantus aeque obscur. in Cathedralibus ac Lat.  
con. Injunct. Reginae E. (Ædif. eccl'ae Scop.).

27. School lic. but 1<sup>s</sup> by y<sup>e</sup> Act, Register Rs 10<sup>s</sup>.

\*28. Tab. of fees.

\*29. Review B. of Homilys.

\*30. A generall Forme of Artic. for visit.

\*31. The speciall Grievance of y<sup>e</sup> D<sup>ch</sup> and Ch. of  
Dur. Their lands assessed by y<sup>e</sup> Reb. B. of Rates—  
which made free holds, and y<sup>e</sup> Rents besides w<sup>ch</sup> Rents  
are the stip. of quire, free Schools, Beadsmen.

32. Provision for Curates etc. many churches,  
especially in the North, Northumberld etc. will become  
utterly destitute, and the Kings service, about Sea-  
Chaplains, will be notably hindered.

The poore Clergy of y<sup>e</sup> Isle of Man.

Present y<sup>e</sup> Tab. of y<sup>e</sup> Archdeac. of Northumbl.

An attempt to expand these notes into readable form.

F. 9 '65. CONVOCATION. *vide Fastos Eboracenses.*

Proposed violation of Liberty Ecclesiastical and (?)  
Mother Church (or Ministers of Christianity(?)).

1. Clergy included, though not expressed in the  
Statute for Bridges (*vide* 22 Ch. II. 1670).

2. Aggression (?) by Judge's Declaration, Benefice (?) included with the Glebe, the Tithes, tenant L. Cooke.

3. Though Statute expire at Lady Day, 1665, yet Prudence praevides (?) a Precedent.

4. Formerly assessed only by ourselves (*τὰ ἀρχαία νικάτω*).

5. Clergy antehac never included, except where expressed (*Privilegiorum Regis*), specialibus non derogatur per generalia.

6. If valet in 6d., then per eandem Regulam in £6. (Then Clergy the only slaves in the Kingdom; for all other estates have their Representatives to consent).

7. Remedy. Petition of the Clergy, in corpore, to the King (the King's Coronation Oath) for an Act of Parliament to (*Protector Ecclesiae*) declare the immunities of the clergy.

8. Then not King's Declaration, but (1) Act of Parliament revokes Statute as illegal, and not to be drawne into Example: (2) that clergy not liable to aggressions, but such as are  $\left\{ \begin{array}{l} \text{granted} \\ \text{assented} \end{array} \right\}$  by Convocation as subsidies.

9. If Convocation neglects  $\left\{ \begin{array}{l} \text{1 semet} \\ \text{2 Trustees} \end{array} \right\}$  II Kings vii,  
9.† Esther iv, 14.

10. If we have nothing of our own, then we can grant nothing, ergo not subsidies.

11. Coercive power. \* Neglect of external effect of excommunication. Separation according to Canon 65.‡

\*12. Coercive way for Church-cesses.§

† This is II Samuel vii, 9.

‡ Canon 65, "Ministers solemnly to denounce Recusants and Excommunicates," it threatens to admonish the people "to refrain their company and society."

§ Church-cess is assessment; and the phrase was used by H. Martineau as late as 1877. "The Tories were disposed to uphold the dues of the Church, even to the last penny of the Church-cess" (speaking of Irish matters).

\*13. Excommunication against Presbyterian † fanatics their Quietus est.

14. Baptized in the Schism without Godfathers, scruple at answer in Catechism.

15. By what Law or Canon [are] Priests bound to travel from Communion Table to Pews to administer Eucharist? ‡

16. Utrum conscientia errans urgeri possit ad obedientiam, contra conscientiam in sensu composito?

17. Infrequency of Communions.

18. Promiscuous Communions (especially of Rebels sine Restitutione) now after so long a schism dangerous.

\*19. Standing at the Psalms § (fortasse per Canones ||) et adoratio in Introitu to be made Canonical (Judge Ψj.. δγ..ρ..) to Ψ). Many forbore the Court and Cathedral even for that, though [they] allow the Thing, if lawfully enjoined.

20. Scruple then about Standing at Gloria Patri (Eastern Church stand at the Psalms, bow at Gloria Patri) to testify Adoration of whole blessed Trinity ἀμερίστῳ προσκυνῆσαι. Gregory Nazianzen.

21. Remissness of our Church against Min. Espri. ¶ Apostates, Exomologes (or those who hold views about confession) contra (?) libellatici\*\* primitus: (?) Recantatio

† "P" may here mean Papist.

‡ This "travelling to Pews" was, and still is, the custom at administration of the Holy Communion at Christ Church, Oxford. It was the custom also at Pemb. Coll., Oxon., and at the University Church of St. Mary. See *College Histories, Christ Church*, H. L. Thompson, 62. It has always been a moot question whether the usage was Puritan or Laudian.

§ This ΨΨ seems from the context to be necessarily the recital of the Psalms.

|| "Fortasse" for f. in MS. is a guess only; the Canon on conduct in Church makes no mention of the recital of Psalms. Can. 18.

¶ Min. Espri. may mean "Ministers of the Spirit," i.e., unordained preachers.

\*\* Libellatici—those who in days of persecution, to avoid the test of praying to the Imperial Name, received certificates of excuse on payment of a fine.

Newss. (?) in Cathedrali. † nec in fine communionis (?).  
But Angli duxere Convic. (?).

\*22. Defectus officii pro perambulatione.

\*23. Of Special Prayer for Sick upon Litany  
amentibus, surdis et pro damnatis capite.

\*24. Utinam hic excitaretur Collegium de propa-  
gatione Fidei.‡

25. Article in the Commination against Navall (?).  
1 Sacrilege; 2 Presbyterianism (?) §; 3 Perjury; 4  
Robbery without Restitution.

26. Cantus aeque obscurus in Cathedralibus ac  
Latina (?) contra Injunctiones Reginae Elizabethae  
(Ædificationis ecclesiae Scopus).

27. School-licence, but 1s. by the Act, Registrar  
receives 10s.

\*28. Table of Fees.

\*29. Review Book of Homilies.

\*30. A general Form of Articles for Visitation.

\*31. The special grievance of the Dean and Chapter  
and Church of Durham. Their lands assessed by the  
Rebel Board of Rates,—which made freeholds, and the  
Rents besides, which Rents are the stipend of Quire,  
Free-schools, Beadsmen.

32. Provision for Curates, &c. Many churches,  
especially in the North, Northumberland, &c., will  
become utterly destitute, and the King's service, about  
Sea-Chaplains, will be notably hindered.

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† This No. 21 is at the bottom of a page, and written in a most  
confused manner.

‡ Here, above the line, written very faintly, stands "after O,"  
*i.e.*, after the prayers or suffrages.

§ Prb. might stand for Probosity, a seventeenth-century word  
for general badness.

## XIX.

## ON THE SEE OF SODOR AND MAN.

This paper is largely taken from the *Registrum Sacrum Anglicanum* of Bishop Stubbs, supplemented by help kindly given me by the Rev. G. H. Godwin, M.A.

Bishop Stubbs makes preface to his list by warning us that "a perfect list of these bishops is still a desideratum." "The common lists," he says, "contain many names which ought not to be there," and he adds that his own list is drawn out from the series given at the end of the *Manx Chronicle*, which runs to 1374.

The history of this see is complicated by the question of jurisdiction, as between the Archbishop of Nidaros (Trondhjem) in Norway, the Archbishop of Glasgow, and the see of York. The very name of the see is often changed, and for a long time there were two sees, one of the "Southern Islands," under Glasgow, and the other of Man, under Nidaros.

It is also interesting to note that the right of nominating to the see is in different hands at various periods of the history of the see.

Though other names are given, our historic knowledge at present runs no farther back than to the beginning of the twelfth century, when Wimund, or Aumond, MacAulay was created bishop.

1113. Wimund (Aumund) MacAulay, monk of Furness, was consecrated Bishop of Sodor and Man by Thomas, Archbishop of York. (In the year 1098 "*binæ sedes Sodor. et Man. in unam coaluerunt.*" Matth. Paris).

1151. John, a monk of Seez, was consecrated by Henry, Archbishop of York, and is called by Matthew Paris "*secundus antistes Moinae insulae.*"

Gamaliel, consecrated by Roger, Archbishop of York and therefore between 1154-1161.

Ronald or Reginald, a Norwegian.



Christian Archadiensis (of Orkney) (possibly the Christian who at this period was Bishop of Whithern (1154-1186)).

Michael, a Manxman.

Nemarus (see below under Nicolas).

1210. Nicolas of Meaux, Abbot of Furness, "consecratus ad Ebudas (*i.e.*, Aebudas, the Western Isles) ubi tunc per quadraginta annos episcopus non fuerat, ex quo Nemarus episcopus in vivis erat" (Chron. Islandicum, Langebek). Nicolas was probably consecrated by the Archbishop of Trondhjem. He died in 1217.

1217. Reginald (Ronald), of the blood royal, probably nominated by the King of Man, and consecrated in Norway.

(In 1219 Reginald, King of the Isles, on suggestion from Legate Pandulph, gave his Island to the Pope, consenting to hold it in the name of the Roman Church, while paying yearly to Furness Abbey the sum of twelve marks).

1219. A Bishop of Man, nominated by the Furness monks, and consecrated by the Archbishop of Dublin, was probably John MacIvar, or Harfare. He is mentioned by Le Neve, as attesting a deed of Walter Gray, in 1230, signing as John, Bishop of Man.

(In 1224 one Nicolas, Bishop of Man and of the Isles, being kept out of the see by his adversaries, desired to resign it).

1226. Simon Archadiensis, of Orkney, is consecrated as "Episcopus Sodorensis," by Archbishop Peter of Trondhjem, at Bergen.

(In 1244 there is a document which prays the Archbishop of York to confirm the election, by the Abbot and monks of Furness, of a Bishop of Man. It states they are acting with the consent of the Archbishop of

Trondhjem (if the matter were canonical), would the Archbishop of York consecrate their nominee, as Norway was a long voyage, and perilous ?

1244. In this year Laurence, Archdeacon of Man, was nominated for the see by the Furness monks, and was consecrated by the Archbishop of Trondhjem : on his return from Norway he was shipwrecked and drowned.

1252. Richard, an Englishman, was consecrated at Rome by the Archbishop of Trondhjem.

1275. Mark of Galloway, consecrated in Norway by John, Archbishop of Trondhjem. He is called *Episcopus de Man*, also *Sodorensis*.

1305. Alan was consecrated by Jorund, Archbishop of Trondhjem.

1321. Gilbert MacLellan, consecrated in Norway by Eilulf, Archbishop of Trondhjem.

1328. Bernard de Linton, *Episcopus Sodorensis*, was consecrated in Norway.

1334. Thomas, was consecrated in Norway ; and was the last Scottish Bishop of Man.

1348. William Russell, a Manxman, was consecrated by Pope Clement VI at Avignon.

1374. John Donkan (Duncan), a native of Man, was consecrated also at Avignon, by Simon Langham, Bishop of Praeneste.

(At the close of Duncan's episcopate, Man having come under the power of the English Crown, the Scottish Churchmen refused to accept English nominations, so that from the time of John Duncan's death (? 1380) the Scots elected and consecrated their own Bishop of Sodor, while the Bishop of Man, still in English hands, went on as Man without Sodor. These Scottish bishops (their names are all given by Le Neve) continued till 1688, when the last of the independent bishops was deprived).

1390. John, "Sodorensis Episcopus," but this is quite uncertain.

1425. John Burgherlin, a Franciscan ; it is doubtful whether he ever got possession.

1429. Richard Pulley.

1449. John Green.

1455. Thomas Burton, a Franciscan, by provision.

1458. Thomas of Kirkham, Abbat of Vale Royal, Cheshire, by provision.

1480. Richard Oldham, Abbat of Chester.

1487. Huan Hesketh, or Blackleach.

1530. Thomas Stanley, deprived 1545, and probably re-appointed in 1556.

(In 1542 the see of Man was finally placed under the Archbishop of York by Act of Parliament (33 Henry VIII, c. 31).

1546. Henry Man, Dean of Chester.

1556 or 1557. Thomas Stanley was restored by Queen Mary.

From the time of his death in 1568 the vacancies of the see of Man were treated as were all other English bishoprics. The holders were usually nominated and presented to the Crown by the Earl of Derby. In 1813 the nomination was made by the Duke of Athol.

## XX.

NOTE ON THE BISHOPRIC OF WHITHERN (By the Rev. G. H. Godwin, M.A.).

The appearance of Bishop Thomas Dalton in the York Convocation must not be taken as evidence that the diocese of Galloway was always part of the province of York. Galloway was a debateable land, and its bishop ranked among the suffragans of York, or with the bishops of Scotland, according as the King of England

or of Scots, was Lord of Galloway. Thus, in 1308, a Papal Letter from Poitiers includes Whitherne among the Scottish bishoprics (Bliss, *Papal Registers*, II, 43), but in 1326 a letter from Avignon to the Archbishop of York concerning a papal subsidy numbers Whitherne among his suffragans (*Pap. Reg.*, II, 478). Once again, in 1349, it was reckoned as a Scotch see (*Pap. Reg.*, III, 311), whereas both in 1355 (*Pap. Reg.*, III, 617) and in 1360 (*Pap. Reg.*, III, 631) it was included among the suffragans of York. However, by 1372 it was again treated as Scotch (*Pap. Reg.*, IV, 101). Even in the fifteenth century the ecclesiastical position of the diocese was not definitely settled, for a letter from Constance, dated 8 Kal. March, 1418, included it in the province of York (*Pap. Reg.*, V, 22), whereas a letter from Rome, 2 Non. December, 1422, directs that Alexander Vaus, on his translation from the see of Caithness to that of Whitherne shall take the usual oath of fealty to the bishops of Glasgow and Dunkeld (*Pap. Reg.*, V, 287). The last change seems to have been final; after the organization of metropolitanical jurisdiction in Scotland the Bishop of Galloway became suffragan to the Archbishop of Glasgow.

## XXI.

## THE ATTEMPT TO TAX STIPENDIARY PRIESTS.

In Scrope's Register for 1404 we find that Convocation, sitting in 1404 and on to January, 1405, was very reluctant to vote new subsidies, or to pay the old one already voted. At the same time the Archbishop of Canterbury (Thomas Arundel) was in similar difficulties, with this difference, that he seems to have attempted to tax the Stipendiary priests, or Chaplains holding no benefice; and found no means of success in his efforts, because these unbeneficed persons were not represented in Convocation. The letter shows us the limitation of the franchise for Convocation. The Archbishop's letter to King Henry IV deserves to be printed here, from Wilkins, *Concilia*, III, 280. It begins thus:—"Excellentiae vestrae literas jampridem recepi, inter caetera

continentes nihil fuisse in ultima praelatorum et cleri convocatione effectualiter factum de subsidio concedendo per capellanos stipendiarios provinciae Cantuarensis . . . . Procuratores non obstantibus mediis antedictis et diligentia mea qualicunque, quotiens fuit petitum, unanimiter contradixerunt penitus et expresse. Unde nulla via mihi aut confratribus meis superesse videbatur, prout nec adhuc videtur, saltem per viam Convocationis, qua mediante materia ipsius subsidii poterit expediri, praesertim quia de modo convocandi hujusmodi capellanos nullam viam invenio hactenus practizatam." And he goes on to suggest that it might be left to the several Bishops to wheedle the unrepresented stipendiaries into paying this tax, though they could have had no part in voting it. This question does not seem to have been raised in the Northern Convocation.

## XXII.

## THE INFLUENCE OF SCOTTISH AND WELSH AFFAIRS ON THE GROWTH OF CONVOCATION.

(Kindly supplied by the Rev. G. H. Godwin, M.A.).

The part played in the evolution of the Convocations by the need of drawing on clerical incomes as a further provision for the reduction of Wales and Scotland is so obvious that a summary account of the relations between England and Wales and England and Scotland at this period will probably tend to the elucidation of the documents quoted in this book. In each case a difficult situation was inherited by Edward I, but while with Wales his success was so complete that the narrative may cease with the end of his reign, in the other instance the troubles persisted through Edward II's stormy years into the reign of Edward III, and were ended, if ended at all, as much by the tacit withdrawal of English claims as by the internal weakness of Scotland.

The starting-point of the Welsh narrative may be found in the treaty of Shrewsbury (1267), an undoubted necessity after the turmoil and exhaustion of the Barons'



War, yet one which placed in the hands of Llewelyn ap Griffith as Prince of Wales practically the whole of modern Wales save the lands in the extreme south and south-west, subject, however, to the recognition of the English king as overlord and the payment of an indemnity for the expenses of the late war. Whether Edward I, once firmly seated on the throne, would have allowed so great a degree of independence to Wales or could have avoided being drawn into the quarrels between the Marcher lords and the Prince of Wales may well be questioned, but this much is clear: the breach of the treaty of Shrewsbury and the fate of Llewelyn were due, not to Edward I's aggression, but to the folly of Llewelyn, who, on Edward's accession, ceased payment of the instalments of the indemnity and neglected to do homage. Repeated remonstrances having proved ineffectual, the council of Magnates decided, November, 1276, that Edward should go against Llewelyn as a rebel. Hence the sharp and successful campaign of 1277, financed, as all Edward's enterprises were, by the Frescobaldi and other Italian firms, and leading inevitably to appeals to his people to extricate him from his financial difficulties. The expulsion of Llewelyn from his recent conquests was promptly effected by the Marcher barons, while the feudal levies, with the support of the fleet of the Cinque Ports, shut him up in Snowdon and compelled his acceptance of the peace of Aberconway, whereby he lost all his mainland dominions and was restricted to the island of Anglesey, for which, too, he had to pay a considerable tribute.

Edward was now free to develop his Welsh policy: the enforcement of English law, instead of the primitive customs of the natives, and the establishment of English trading communities, both protected by English castles and garrisons. Hence the rising of 1282, wider and more national in scope than any previous movement, and only suppressed after a long and expensive campaign, in which mercenaries from Gascony and Ponthieu fought side by

side with the Marcher troops and the English levies. Hence, also, came the strenuous efforts of John Kirby, the treasurer, to obtain contributions, the meeting of the parliaments of York and Northampton, and the raising of loans from the Italians on quite exceptional terms, including the payment of interest.\* So we find that the revenue, which in 1281-2 had been £25,222 6s. od., including a sum of £10,000 "lent by the merchants of Lucca to make up the expenses of the household," rose in 1282-3 to £101,952 17s. 7d., including loans to the amount of £30,466 17s. 3d.† As we have already indicated, the rising was crushed. The national house of Wales perished, and Wales was organized on English lines, but at a cost which rendered absolutely necessary the creation and extension of new tax-granting institutions.

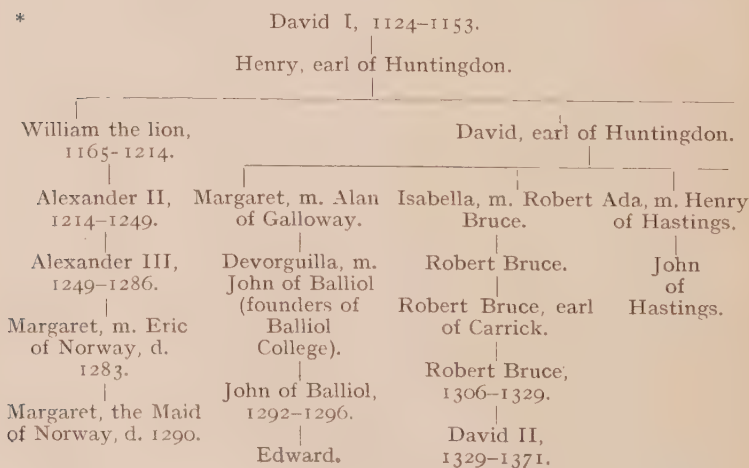
The germ of the troubles between England and Scotland may be found at least as far back as the reign of Alexander III, for though that king had always been on good terms with his brother-in-law, Edward I, and had shown himself willing to do homage for his English lordships of Tynedale and Penrith (1274), or even in such a vague and general fashion as was implied by the phrase, "I, Alexander, King of Scotland, become the liegeman of the lord Edward, King of England, against all men" (1278), yet the more general question of an English overlordship over the whole of Scotland remained undetermined. This issue necessarily came to the front on the sudden death of Alexander in 1286. The heiress of Scotland was obviously the Maid of Norway, Margaret, daughter of Alexander's child, Margaret, by Eric, king of Norway, and in her name a board of six guardians carried on the whole government of Scotland from 1286. But the barons of Scotland were turbulent and hard of

\* Edward I did not as a rule pay interest for his loans, the merchants recouping themselves by the farming of various branches of the revenue, by freedom to trade in wool, and by the King's patronage at home and abroad. But in 1283 it seems pretty clear that the King had to pay from 9 to 12 per cent. for his money.

† These figures are all derived from Mr. R. J. Whitwell's article in the *Transactions of the Royal Historical Society* (1903).

governance, and it became more and more desirable that the queen of Scotland should return to her own land, there to rule with the support of a husband of power and influence. Hence negotiations, in which Anthony Bek, bishop of Durham and Patriarch of Jerusalem, was prominent, between England, Scotland, and Norway, leading in July, 1290, to the treaty of Brigham, by which Margaret was to return to her own land free and quit from marriage obligations as far as England was concerned, yet not to marry without the joint consent of England and Norway. Moreover, should Margaret marry Edward of Carnarvon, the heir of England, the laws and customs of Scotland were to remain unaltered, and, if the queen died without issue, the throne of Scotland was to fall to the natural heir, and, in any case, that realm was to remain separate and divided from the realm of England. But the statesmanlike conditions of the treaty of Brigham were never to be executed in full; Margaret died in the Orkneys on her way to Scotland, and at once the difficult questions, not only of the heirship to the Scots' throne, but also of the extent of Edward's overlordship, came to the front.

No definite principle was available. Assuming that the succession could pass through a female,\* then John



of Balliol, lord of Galloway and Barnard Castle, son of the founders of the famous Balliol College at Oxford, was the heir. But there was at least some reason for thinking that nearness to the source should determine the claim, in which case Robert Bruce, lord of Annandale, Balliol's maternal uncle, might be held to have a better right. Or, again, the monarchy might be treated as feudal estate, in which case the rights of John of Hastings, lord of Abergavenny, as representing the third daughter of earl David, would have to be respected.

When one reflects what advantages might have accrued to England from the division of Scotland into three states, it is not a little to the credit of Edward that he rejected that solution. His attitude was eminently impartial, the judges he appointed representative of the best Scotch opinion, and the decision in favour of the indivisibility of the realm of Scotland and of primogeniture as against proximity of blood undoubtedly sound. But he took advantage of the situation to secure the recognition of his claims over Scotland from all competitors, as well as the seisin of Scotland during the interregnum. Thus John of Balliol began his reign in December, 1292, under the most difficult conditions.

Sovereign rights are obviously incompatible with feudal over-lordship ; hence the position of John de Balliol was impossible from the first. Edward had, indeed, preserved the unity of Scotland, but only on condition that Scotland should accustom itself to the supremacy of England. Suits were regularly carried from Scotch courts to Westminster, nor was King John strong enough to offer any resistance to his master in England. But the Scots barons were not disposed to accept this situation, and, taking advantage of the rupture between England and France (1294), practically deposed King John by establishing a committee of earls, bishops, and barons on the lines of the government set up by the Provisions of Oxford. This provisional

government at once stopped appeals to the English courts, and, again following English precedent, expelled from Scotland all those barons whose possessions in England were greater than in Scotland. Mercantile relations with France followed, and, finally, in July, 1295, Edward Balliol, the king's eldest son, was betrothed to Scotch Joan of Valois, the niece of the French king. Edward of England promptly demanded the surrender of three border castles, and, on the rejection of his demand, cited King John to appear before him at Berwick on March 1st, 1296.

Edward was obviously in a difficult position. His hold on Wales was still uncertain; he was already involved in a war with France; and, in particular, his finances were radically unsound. Hence his best, indeed his only possible, answer to the defiance of France and Scotland was the issue of writs of summons to a "Model Parliament," in which the assembly of clergy, for which the machinery already existed, should be consolidated with the Parliament secured by writs addressed to the baronage and sheriffs. This was done in the early days of October, 1295, and, as our documents show, the province of York was treated in the same way as that of Canterbury. But, as our documents again prove, no national system of taxation had yet been evolved. The orders deliberated apart, the barons and knights, the cities and boroughs, and the clergy of the two provinces, all made separate agreements with the king.

The French expedition was of no value at all, and by Easter, 1297, a truce had been concluded which left almost all Gascony in French hands, but the case was very different as regards Scotland. Edward had pronounced Balliol contumacious on his failure to appear at Berwick, and promptly advanced against that town. Berwick and then Dunbar fell, after which the king and Bishop Bek, with the Durham men, made what was little more than a military progress through Scotland. Scotland, as far north as Aberdeen, Banff, and Elgin,



was in the hands of the English king, who now, in August, 1297, received at Berwick the allegiance of the Scots nobility, whose names are still written in the Ragman Roll; he also exiled to central England John de Balliol and the heads of the Comyn family.

This five months' campaign did not, however, make all easy for King Edward. He indeed summoned a parliament at Bury in November of this year, but was met by an absolute refusal of the clergy to vote supplies.

Turning from his triumph in Scotland, Edward prepared for a renewal of warfare in France, and, in consequence, the aggravation of his demands on the clerical estate. But he was to meet with a check far more serious than the refusal of the Bury parliament. Partly from a real desire to enforce peace between France and England, partly to protect the Church from exactions for purely secular purposes, Benedict Gaetano, now Boniface VIII, a former member of the papal legation in England, had issued, with particular reference to the case of England, the bull *Clericis laicos*, forbidding the exaction of grants from the clerical estate by any lay authority without the express sanction of the Holy See. Thus the comparatively small relations between England and Scotland and Edward I and the English Church pass into the sphere of European relations and the world politic. A struggle followed, of which an account must be sought in the general histories, but which will be found reflected in the documents in this volume. Briefly, by the outlawry of the clergy, Edward brought the English clergy into submission, and in July, 1297, Boniface receded from his position by the bull *Etsi de statu*. Even earlier the English clergy had yielded, and Edward was free to depart on his Flemish expedition. The move was an unsound one. Scotland was already in full revolt under William Wallace, and before September was over the disaster of Stirling had put an end to English rule beyond the Forth. The defeat was, however, a

victory in disguise. The three estates came together in a new parliament at the end of September, 1297, and, while recognizing their obligation for the defence of the realm, resolved that no supply of men or money should be granted without the confirmation of the charters. Further, the estates petitioned the Crown in the so-called *Statutum de tallagio non concedendo* that henceforth no tallage or aid should be granted without their consent. To this demand the Crown in great part yielded, though no reference was made to the imposition of tallage.

Thus the year 1297 was a turning-point in the history of the English Church and realm. If not fully, at least practically, the English Church was incorporated in the full life of the realm, and churchmen would in future approach the demands made upon them by the Crown with full knowledge of the attitude of the nation to the situation. The demands made on the Church do not diminish, nor does the exigency of Scots affairs become less, but the attitude of the clergy is henceforward far more in harmony with that of the nation at large. Hence a brief summary of the relations between England and Scotland will be sufficient to explain the various demands made on the Northern Convocation.

The Flemish campaign failed, and Edward was glad to turn his attention to the reduction of Scotland. From the middle of 1298 till 1305 this continued, nor was real success achieved; early in 1306 Robert Bruce, Earl of Carrick, broke into revolt, and all Scotland soon joined his cause. Edward acted with promptitude and some success, but his health was rapidly failing, and on July 7th, 1307, he died near Carlisle, leaving the reduction of Scotland to his son.

For this task Edward II was absolutely unfitted. One expedition alone was made during six years, and that proved a total failure. The Bruce cause steadily advanced, and the battle of Bannockburn must be regarded as a symptom, not as the cause, of the English

failure and the devastation of Northern England at the hands of the Scots. The Scots were now free to act on the aggressive, and in the condition of the Northern bishoprics and the difficulty of raising supplies there is evidence of their success. Of the exhaustion of the North by its Scots invaders the documents in this volume give ample evidence.

In the reign of Edward III a new policy begins—a definite alliance between France and Scotland, troublesome, indeed, to England, but far more destructive to Scotland. The defeat of the Scots at Neville's Cross in 1346 is really significant of the new relationship between the English and Scots. Henceforward the Scottish kings persist in a French alliance, but are too weak to inflict serious damage on England. Henceforward, also, the relations between England and Scotland cease to be the main factors in the demands of the Crown on the Northern Houses of Convocation.



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